

107TH CONGRESS
2D SESSION

S. 2225

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2003, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2002

Mr. LEVIN (for himself and Mr. WARNER) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2003”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Defense Inspector General.
- Sec. 106. Defense Health Program.

Subtitle B—Multiyear Contract Authorizations

- Sec. 111. Multiyear procurement authority for F/A-18E/F engines.
- Sec. 112. Multiyear procurement authority for the C-130J aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Cost limitations applicable to F-22 aircraft program.

TITLE III—OPERATION AND MAINTENANCE

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- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.

Subtitle B—Depot Issues

- Sec. 311. Repeal of time limitation of exclusion of expenditures on contracting for depot-level maintenance.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Exclusions from limitation of active duty officers in grades above major general.
- Sec. 403. Extension of authorities relating to management of general officers.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for selected reserve.
- Sec. 412. End strengths for reserve on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2003 limitation on number of non-dual status technicians.
- Sec. 415. Increase strength and grade ceilings to account for reserve component members on active duty in support of a contingency operation.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Establish additional deputy commandant billet.

Subtitle B—Reserve Component Personnel Policy

Sec. 511. Authority for limited extension of medical deferment of mandatory retirement or separation for reserve officers.

Sec. 512. Definition for weapon of mass destruction.

Sec. 513. Collective bargaining exclusion for matters relating to the provision of uniforms to enlisted National Guard technicians.

Sec. 514. Expansion of reserve component delayed training program.

Subtitle C—Military Spouses and Family Members

Sec. 521. Prohibiting payments of retired pay from members on active duty.

Sec. 522. Revocation of “ten-year rule” for direct payment of retired pay.

Sec. 523. Increases for divisions of retired pay expressed as a dollar amount.

Sec. 524. Allowing member to submit application for direct payment.

Sec. 525. Allow member to waive notice and provide court order upon request.

Subtitle D—Military Justice Matters

Sec. 531. Courts-martial for the National Guard when not in Federal service.

Subtitle E—Other Matters

Sec. 541. Vehicle storage in lieu of transportation when member is ordered to non-foreign duty station outside continental United States.

Sec. 542. Administrative support and services for foreign liaison officers.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2003.

Sec. 602. Increase basic allowance for subsistence for members forced to purchase meals outside messing facilities.

Sec. 603. Extension of basic housing allowance for low cost or no cost moves to moves outside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 612. Extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, nurse anesthetists, and dental officers.

Sec. 613. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 614. Increase prior service enlistment bonus.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Equitable compensation support for military funeral honors.

Sec. 622. Expansion of overseas tour extension benefits.

- Sec. 623. Extension of period for use of leave travel entitlement for consecutive overseas tours.

Subtitle D—Retirement and Survivor Benefit Matters

- Sec. 631. Clarification of disability severance pay computation.
 Sec. 632. Authority to increase retired pay for enlisted reserve component personnel decorated for extraordinary heroism.
 Sec. 633. Survivor benefit plan; multiple beneficiaries.
 Sec. 634. Survivor benefit plan; presumptive proportionate share.
 Sec. 635. Survivor benefit plan; financial responsibility for survivor benefit plan participation.

Subtitle E—Other Matters

- Sec. 641. Repeal of limited exemption from ban on honoraria for personnel at certain Department of Defense schools.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program Improvements

- Sec. 701. Improvements in the administration of the TRICARE program.
 Sec. 702. Dependent dental care enhancements.

Subtitle B—Senior Health Care

- Sec. 711. Improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.

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- Sec. 721. Assistance relating to bioterrorism mass casualties.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,
AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Live-fire waiver authority.
 Sec. 802. Repeal of certification of funding for support costs in the future years defense program.
 Sec. 803. Authority to waive domestic source or content requirements.
 Sec. 804. Purchase of dinitrogen tetroxide, hydrazine, and hydrazine-related products.

Subtitle B—Use of Preferred Sources

- Sec. 811. Eligibility of HUBZone small business concerns and small business concerns owned and controlled by service-disabled veterans under the mentor protégé program.

Subtitle C—General Contracting Procedures and Limitations

- Sec. 821. Contracting for security guards.
 Sec. 822. Demonstration project using multi-year contracts for environmental remediation.
 Sec. 823. Micro-purchase exception for ball and roller bearings.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Organization

- Sec. 901. Certification for Department of Defense professional accounting positions.
- Sec. 902. Consequence Management Program Integration Office.

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- Sec. 911. Pecuniary liability equalizations.
- Sec. 912. Accountable officials in the Department of Defense.
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TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Repeal of requirement for separate budget request for procurement of reserve equipment.
- Sec. 1002. Transfer of funds within acquisition programs; procedures and limitations.
- Sec. 1003. Reimbursement for service intelligence support.
- Sec. 1004. Authority to waive reimbursement of Asia-Pacific Center for Security Studies charges.
- Sec. 1005. Cross-fiscal year cooperative agreements for environmental purposes.

Subtitle B—Repeal and Revision of Various Reporting Requirements

- Sec. 1011. Repeal of various reports required of the Department of Defense.
- Sec. 1012. Frequency of certain surveys; section 481 of title 10.
- Sec. 1013. Quadrennial defense review.

Subtitle C—Other Matters

- Sec. 1021. Explosives Safety Board.
- Sec. 1022. Authorize Army and Air Force to provide base operating support to Fisher Houses.
- Sec. 1023. Eligibility of intelligence senior-level employees for presidential rank awards.
- Sec. 1024. Security of Department of Defense transportation operations.
- Sec. 1025. Amendment to authority for acceptance by Asia-Pacific Center for Security Studies of foreign gifts and donations.

TITLE XI—MATTERS RELATING TO OTHER NATIONS

- Sec. 1101. Expansion of authority to conduct the Arctic Military Environmental Cooperation Program.
- Sec. 1102. Use of Warsaw Initiative funds for travel of officials from partner countries.
- Sec. 1103. Insurance for vessels in support of NATO, international organizations, or other allied countries.

TITLE XII—READINESS AND RANGE PRESERVATION INITIATIVE

- Sec. 2001. Readiness and range preservation initiative.

TITLE I—PROCUREMENT
Subtitle A—Authorization of
Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for
fiscal year 2003 for procurement for the Army as follows:

(1) For aircraft, \$2,061,027,000.

(2) For missiles, \$1,642,296,000.

(3) For weapons and tracked combat vehicles,
\$2,248,558,000.

(4) For ammunition, \$1,159,426,000.

(5) For other procurement, \$5,168,453,000.

(6) For chemical agents and munitions destruc-
tion, \$1,490,199,000 for—

(A) the destruction of lethal chemical
weapons in accordance with section 1412 of the
Department of Defense Authorization Act,
1986 (50 U.S.C. 1521) and

(B) the destruction of chemical warfare
material of the United States that is not cov-
ered by section 1412 of such Act.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appro-
priated for fiscal year 2003 for procurement for the Navy
as follows:

1 (1) For aircraft, \$8,203,955,000.

2 (2) For weapons, including missiles and tor-
3 pedoes, \$1,832,617,000.

4 (3) For shipbuilding and conversion,
5 \$8,191,194,000.

6 (4) For other procurement, \$4,347,024,000.

7 (b) MARINE CORPS.—Funds are hereby authorized to
8 be appropriated for fiscal year 2003 for procurement for
9 the Marine Corps in the amount of \$1,288,383,000.

10 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
11 are hereby authorized to be appropriated for fiscal year
12 2003 for procurement of ammunition for the Navy and
13 Marine Corps in the amount of \$1,015,153,000.

14 **SEC. 103. AIR FORCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2003 for procurement for the Air Force as fol-
17 lows:

18 (1) For aircraft, \$12,067,405,000.

19 (2) For missiles, \$3,575,162,000.

20 (3) For procurement of ammunition,
21 \$1,133,864,000.

22 (4) For other procurement, \$10,523,946,000.

1 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2003 for defense-wide procurement in the
4 amount of \$2,688,515,000.

5 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2003 for procurement for the Defense Inspec-
8 tor General in the amount of \$2,000,000.

9 **SEC. 106. DEFENSE HEALTH PROGRAM.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2003 for the Department of Defense for pro-
12 curement for carrying out health care programs, projects,
13 and activities of the Department of Defense in the total
14 amount of \$278,742,000.

15 **Subtitle B—Multi-Year Contract**
16 **Authorizations**

17 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A-**
18 **18E/F E ENGINES.**

19 Beginning with the fiscal year 2003 program year,
20 the Secretary of the Navy may, in accordance with section
21 2306b of title 10, United States Code, enter into a multi-
22 year contract for procurement of engines for F/A-18E/
23 F aircraft.

1 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR C-**
 2 **130J AIRCRAFT.**

3 Beginning with the fiscal year 2003 program year,
 4 the Secretary of the Air Force may, in accordance with
 5 section 2306b of title 10, United States Code, enter into
 6 a multi-year contract for procurement of C-130J aircraft.

7 **TITLE II—RESEARCH, DEVELOP-**
 8 **MENT, TEST, AND EVALUA-**
 9 **TION**

10 **Subtitle A—Authorization of**
 11 **Appropriations**

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS**

13 Funds are hereby authorized to be appropriated for
 14 fiscal year 2003 for the use of the Armed Forces for re-
 15 search, development, test, and evaluation, as follows:

16 (1) For the Army, \$6,918,494,000.

17 (2) For the Navy, \$12,501,630,000.

18 (3) For the Air Force, \$17,601,233,000.

19 (4) For Defense-wide research, development,
 20 test, and evaluation, \$16,835,605,000, of which
 21 \$222,054,000 is authorized for the Director of Oper-
 22 ational Test and Evaluation.

23 (5) For the Defense Health Program,
 24 \$67,214,000.

1 **Subtitle B—Program Require-**
 2 **ments, Restrictions, and Limita-**
 3 **tions**

4 **SEC. 211. COST LIMITATIONS APPLICABLE TO F-22 AIR-**
 5 **CRAFT PROGRAM.**

6 (a) 1998 DEFENSE AUTHORIZATION ACT.—Section
 7 217 of the National Defense Authorization Act for Fiscal
 8 Year 1998 (Public Law 105–85; 111 Stat. 1629) is re-
 9 pealed.

10 (b) 2001 DEFENSE APPROPRIATIONS ACT.—Section
 11 8125 of the Department of Defense Appropriations Act,
 12 2001 (Public Law 106–259; 114 Stat. 692) is repealed;
 13 and

14 (c) FLOYD B. SPENCE DEFENSE AUTHORIZATION
 15 ACT.—Section 219 of the Floyd B. Spence National De-
 16 fense Authorization Act for Fiscal year 2001 (Public Law
 17 106–348; 114 Stat. 1654) is repealed.

18 **TITLE III—OPERATION AND**
 19 **MAINTENANCE**
 20 **Subtitle A—Authorization of**
 21 **Appropriations**

22 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

23 Funds are hereby authorized to be appropriated for
 24 fiscal year 2003 for the use of the Armed Forces of the
 25 United States and other activities and agencies of the De-

1 partment of Defense, for expenses, not otherwise provided
2 for, for operation and maintenance, in amounts as follows:

3 (1) For the Army, \$24,581,055,000.

4 (2) For the Navy, \$29,028,813,000.

5 (3) For the Marine Corps, \$3,357,952,000.

6 (4) For the Air Force, \$27,304,623,000.

7 (5) For the Defense-wide activities,
8 \$14,515,304,000.

9 (6) For the Army Reserve, \$1,923,330,000.

10 (7) For the Naval Reserve, \$1,165,961,000.

11 (8) For the Marine Corps Reserve,
12 \$185,532,000.

13 (9) For the Air Force Reserve, \$2,190,817,000.

14 (10) For the Army National Guard,
15 \$4,136,822,000.

16 (11) For the Air National Guard,
17 \$4,150,861,000.

18 (12) For the Defense Inspector General,
19 \$163,440,000.

20 (13) For the United States Court of Appeals
21 for the Armed Forces, \$9,925,000.

22 (14) For Environmental Restoration, Army,
23 \$395,900,000.

24 (15) For Environmental Restoration, Navy,
25 \$256,948,000.

1 (16) For Environmental Restoration, Air Force,
2 \$389,773,000.

3 (17) For Environmental Restoration, Defense-
4 wide, \$23,498,000.

5 (18) For Environmental Restoration, Formerly
6 Used Defense Sites, \$212,102,000.

7 (19) For Overseas Humanitarian, Disaster, and
8 Civic Aid programs, \$58,400,000.

9 (20) For Drug Interdiction and Counter-drug
10 Activities, Defense-wide, \$848,907,000.

11 (21) For the Kaho'olawe Island Conveyance,
12 Remediation, and Environmental Restoration Trust
13 Fund, \$25,000,000.

14 (22) For the Defense Health Program,
15 \$14,360,271,000.

16 (23) For Cooperative Threat Reduction pro-
17 grams, \$416,700,000.

18 (24) For Overseas Contingency Operations
19 Transfer Fund, \$50,000,000.

20 (25) For Defense Emergency Response Fund,
21 \$20,055,000,000.

22 (26) For Support for International Sporting
23 Competitions, Defense, \$19,000,000.

1 **SEC. 302. WORKING CAPITAL FUNDS.**

2 Funds are hereby authorized to be appropriated for
 3 fiscal year 2003 for the use of the Armed Forces of the
 4 United States and other activities and agencies of the De-
 5 partment of Defense for providing capital for working cap-
 6 ital and revolving funds in amounts as follows:

7 (1) For the Defense Working Capital Funds,
 8 \$2,338,759,000.

9 (2) For the National Defense Sealift Fund,
 10 \$934,129,000.

11 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

12 There is hereby authorized to be appropriated for fis-
 13 cal year 2003 from the Armed Forces Retirement Home
 14 Trust Fund the sum of \$69,921,000 for the operation of
 15 the Armed Forces Retirement Home, including the United
 16 States Soldiers' and Airmen's Home and the Naval Home.

17 **Subtitle B—Depot Issues**

18 **SEC. 311. REPEAL OF TIME LIMITATION ON EXCLUSION OF**
 19 **EXPENDITURES ON CONTRACTING FOR**
 20 **DEPOT-LEVEL MAINTENANCE.**

21 Paragraph (2) of section 2474(f) of title 10, United
 22 States Code, is amended by striking “for fiscal years 2002
 23 through 2005”.

**TITLE IV—MILITARY
PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces**

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2003, as follows:

- (1) The Army, 480,000.
- (2) The Navy, 375,700.
- (3) The Marine Corps, 175,000.
- (4) The Air Force, 359,000.

**SEC. 402. EXCLUSION FROM LIMITATION OF ACTIVE DUTY
OFFICERS IN GRADES ABOVE MAJOR GEN-
ERAL OR REAR ADMIRAL; SENIOR MILITARY
ASSISTANT TO THE SECRETARY OF DEFENSE.**

Section 525(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(B), by striking “16.2 per- cent” and inserting “17.5 percent”;

(2) in paragraph (3)—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following new subparagraph:

“(B) An officer while serving as the Senior Military Assistant to the Secretary of Defense, if serving in the grade of general or lieutenant

1 general, or admiral or vice admiral, is in addi-
 2 tion to the number that otherwise would be per-
 3 mitted for his armed force for that grade under
 4 paragraph (1) or (2).”.

5 **SEC. 403. EXTENSION OF AUTHORITIES RELATING TO MAN-**
 6 **AGEMENT OF GENERAL OFFICERS.**

7 (a) SENIOR JOINT OFFICER PROVISIONS.—Section
 8 604(c) of title 10, United States Code, is amended by
 9 striking “September 30, 2003” and inserting “December
 10 31, 2004”.

11 (b) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY
 12 IN GENERAL OFFICER AND FLAG OFFICER GRADES.—
 13 Section 525(b)(5)(C) of such title is amended by striking
 14 “September 30, 2003” and inserting “December 31,
 15 2004”.

16 (c) AUTHORIZED STRENGTH LIMITATIONS FOR GEN-
 17 ERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section
 18 526(b)(3) of such title is amended by striking “October
 19 1, 2002” and inserting “December 31, 2004”.

20 **Subtitle B—Reserve Forces**

21 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

22 (a) IN GENERAL.—The Armed Forces are authorized
 23 strengths for Selected Reserve personnel of the reserve
 24 components as of September 30, 2003, as follows:

1 (1) The Army National Guard of the United
2 States, 350,000.

3 (2) The Army Reserve, 205,000.

4 (3) The Naval Reserve, 87,800.

5 (4) The Marine Corps Reserve, 39,558.

6 (5) The Air National Guard of the United
7 States, 106,600.

8 (6) The Air Force Reserve, 75,600.

9 (7) The Coast Guard Reserve, 9,000.

10 (b) ADJUSTMENTS.—The end strengths prescribed by
11 subsection (a) for the Selected Reserve of any reserve com-
12 ponent shall be proportionately reduced by—

13 (1) the total authorized strength of units orga-
14 nized to serve as units of the Selected Reserve of
15 such component which are on active duty (other
16 than for training) at the end of the fiscal year, and

17 (2) the total number of individual members not
18 in units organized to serve as units of the Selected
19 Reserve of such component who are on active duty
20 (other than for training or for unsatisfactory partici-
21 pation in training) without their consent at the end
22 of the fiscal year.

23 Whenever such units or such individual members are re-
24 leased from active duty during any fiscal year, the end
25 strength prescribed for such fiscal year for the Selected

1 Reserve of such reserve component shall be increased pro-
 2 portionately by the total authorized strengths of such
 3 units and by the total number of such individual members.

4 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
 5 **DUTY IN SUPPORT OF THE RESERVES.**

6 Within the end strengths prescribed in section
 7 411(a), the reserve components of the Armed Forces are
 8 authorized, as of September 30, 2003, the following num-
 9 ber of Reserves to be serving on full-time active duty or,
 10 in the case of members of the National Guard, full-time
 11 National Guard duty for the purpose of organizing, ad-
 12 ministering, recruiting, instructing, or training the reserve
 13 components:

14 (1) The Army National Guard of the United
 15 States, 23,768.

16 (2) The Army Reserve, 13,588.

17 (3) The Naval Reserve, 14,572.

18 (4) The Marine Corps Reserve, 2,261.

19 (5) The Air National Guard of the United
 20 States, 11,697.

21 (6) The Air Force Reserve, 1,498.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
2 **(DUAL STATUS).**

3 The reserve components of the Army and the Air
4 Force are authorized strengths for military technicians
5 (dual status) as of September 30, 2003, as follows:

6 (1) For the Army Reserve, 6,349.

7 (2) For the Army National Guard of the United
8 States, 23,615.

9 (3) For the Air Force Reserve, 9,911.

10 (4) For the Air National Guard of the United
11 States, 22,495.

12 **SEC. 414. FISCAL YEAR 2003 LIMITATION ON NUMBER OF**
13 **NON-DUAL STATUS TECHNICIANS.**

14 The number of civilian employees who are non-dual
15 status technicians of a reserve component of the Army or
16 Air Force as of September 30, 2003, may not exceed the
17 following:

18 (1) For the Army Reserve, 995.

19 (2) For the Army National Guard of the United
20 States, 1,600.

21 (3) For the Air Force Reserve, 0.

22 (4) For the Air National Guard of the United
23 States, 350.

1 **SEC. 415. INCREASE STRENGTH AND GRADE CEILINGS TO**
2 **ACCOUNT FOR RESERVE COMPONENT MEM-**
3 **BERS ON ACTIVE DUTY IN SUPPORT OF A**
4 **CONTINGENCY OPERATION.**

5 (a) ACTIVE DUTY STRENGTH ACCOUNTING.—Section
6 115(c) of title 10, United States Code, is amended—

7 (1) in paragraph (2), by striking “and” at the
8 end;

9 (2) in paragraph (3), by striking the period and
10 inserting “; and” at the end; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(4) increase the end strength authorized pur-
14 suant to subsection (a)(1)(A) for a fiscal year for
15 any of the armed forces by a number equal to the
16 number of members of the reserve components on
17 active duty under section 12301(d) of this title in
18 support of a contingency operation as defined in sec-
19 tion 101(a)(13) of this title.”.

20 (b) INCREASE IN AUTHORIZED DAILY AVERAGE FOR
21 MEMBERS IN PAY GRADES E-8 AND E-9 ON ACTIVE
22 DUTY UNDER CERTAIN CIRCUMSTANCES.—Section 517
23 of such title is amended by adding at the end the following
24 new paragraph:

25 “(d) The Secretary of Defense may increase the au-
26 thorized daily average number of enlisted members on ac-

1 tive duty in an armed force in pay grades E-8 and
 2 E-9 in a fiscal year pursuant to subsection (a) by the
 3 number of enlisted members of a reserve component in
 4 that armed force in pay grades E-8 and E-9 on active
 5 duty under section 12301(d) of this title in support of a
 6 contingency operation as defined in section 101(a)(13) of
 7 this title.”.

8 (c) INCREASE IN AUTHORIZED STRENGTHS FOR
 9 COMMISSIONED OFFICERS IN PAY GRADES O-4, O-5 AND
 10 O-6 ON ACTIVE DUTY UNDER CERTAIN CIR-
 11 CUMSTANCES.—Section 523 of such title is amended—

12 (1) in paragraphs (a)(1) and (a)(2), by striking
 13 “subsection (c)” and inserting “subsections (c) and
 14 (e)”; and

15 (2) by adding at the end the following new sub-
 16 section:

17 “(e) The Secretary of Defense may increase the au-
 18 thorized total number of commissioned officers serving on
 19 active duty at the end of any fiscal year pursuant to sub-
 20 section (a) by the number of commissioned officers of a
 21 reserve component of the Army, Navy, Air Force, or Ma-
 22 rine Corps on active duty under section 12301(d) of this
 23 title in support of a contingency operation as defined in
 24 section 101(a)(13) of this title.”.

1 (d) INCREASE IN AUTHORIZED STRENGTHS FOR
2 GENERAL AND FLAG OFFICERS ON ACTIVE DUTY UNDER
3 CERTAIN CIRCUMSTANCES.—Section 526(a) of such title
4 is amended—

5 (1) by striking “the” the first time it appears;

6 (2) by inserting “(1) Except as provided in
7 paragraph (2), the” after “Limitations.—”;

8 (3) by redesignating paragraphs (1), (2), (3)
9 and (4) as subparagraphs (A), (B), (C) and (D), re-
10 spectively; and

11 (4) by inserting after paragraph (1) the fol-
12 lowing new paragraph (2):

13 “(2) The Secretary of Defense may increase the
14 number of general and flag officers on active duty
15 pursuant to paragraph (1) by the number of reserve
16 component general and flag officers on active duty
17 under section 12301(d) of this title in support of a
18 contingency operation as defined in section
19 101(a)(13) of this title.”.

1 **TITLE V—MILITARY PERSONNEL**
 2 **POLICY**

3 **Subtitle A—Officer Personnel**
 4 **Policy**

5 **SEC. 501. ESTABLISH ADDITIONAL DEPUTY COMMANDANT**
 6 **BILLET.**

7 Section 5045 of title 10, United States Code, is
 8 amended by striking “five” and inserting “six”.

9 **Subtitle B—Reserve Component**
 10 **Personnel Policy**

11 **SEC. 511. AUTHORITY FOR LIMITED EXTENSION OF MED-**
 12 **ICAL DEFERMENT OF MANDATORY RETIRE-**
 13 **MENT OR SEPARATION FOR RESERVE OFFI-**
 14 **CERS.**

15 (a) DEFERMENT OF RETIREMENT OR SEPARATION
 16 FOR MEDICAL REASONS.—Chapter 1407 of title 10,
 17 United States Code, is amended by adding at the end the
 18 following new section:

19 **“§ 14519. Deferment of retirement or separation for**
 20 **medical reasons**

21 “(a) If the Secretary of the military department con-
 22 cerned determines that the evaluation of the physical con-
 23 dition of an officer and determination of the officer’s enti-
 24 tlement to retirement or separation for physical disability
 25 require hospitalization or medical observation and that

1 such hospitalization or medical observation cannot be com-
 2 pleted with confidence in a manner consistent with the
 3 member's well being before the date on which the officer
 4 would otherwise be required to separate, retire, or transfer
 5 to the retired reserve under this title, the Secretary may
 6 defer the separation or retirement or transfer of the officer
 7 under this title.

8 “(b) A deferral of separation, retirement or transfer
 9 under subsection (a) may not extend for more than 30
 10 days after completion of the evaluation requiring hos-
 11 pitalization or medical observation.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
 13 at the beginning of such chapter is amended by adding
 14 at the end the following new item:

“14519. Deferment of retirement or separation for medical reasons.”.

15 **SEC. 512. CHANGE DEFINITION OF WEAPON OF MASS DE-**
 16 **STRUCTION.**

17 (a) SELECTED RESERVE AND INDIVIDUAL READY
 18 RESERVE SUPPORT FOR RESPONSES TO CERTAIN EMER-
 19 GENCIES.—Section 12304(i)(2) of title 10, United States
 20 Code, is amended by striking “section 1403 of the Defense
 21 Against Weapons of Mass Destruction Act of 1996 (50
 22 U.S.C. 2302(1))” and inserting “section 2332a(c)(2) of
 23 title 18”.

24 (b) RESERVE AND NATIONAL GUARD DUTIES RE-
 25 LATING TO DEFENSE AGAINST WEAPONS OF MASS DE-

1 STRUCTION.—Section 12310(c)(1) of such title is amend-
 2 ed by striking “section 1403 of the Defense Against
 3 Weapons of Mass Destruction Act of 1996 (50 U.S.C.
 4 2302(1))” and inserting “section 2332a(c)(2) of title 18”.

5 **SEC. 513. COLLECTIVE BARGAINING EXCLUSION FOR MAT-**
 6 **TERS RELATING TO THE PROVISION OF UNI-**
 7 **FORMS TO NATIONAL GUARD TECHNICIANS.**

8 Paragraph (4) of section 709(b) of title 32, United
 9 States Code, is amended to read as follows:

10 “(4) Acquire, maintain, and wear the uniform
 11 appropriate for the member’s grade and component
 12 of the armed force as prescribed by the Secretary
 13 concerned. The Secretary concerned shall have the
 14 discretion to determine the quantity and kind of
 15 clothing furnished, regulatory requirements per-
 16 taining to dress and appearance, and the amount of
 17 a uniform allowance paid.”.

18 **SEC. 514. EXPANSION OF RESERVE COMPONENT DELAYED**
 19 **TRAINING PROGRAM.**

20 Section 12103(d) of title 10, United States Code, is
 21 amended by striking “270 days” and inserting “one year”.

1 **Subtitle C—Military Spouses and**
 2 **Survivor Benefit Plan Matters**

3 **SEC. 521. PROHIBITING PAYMENTS OF RETIRED PAY FROM**
 4 **MEMBERS ON ACTIVE DUTY.**

5 Paragraph (3) of section 1408(c) of title 10, United
 6 States Code, is amended by adding at the end the fol-
 7 lowing new sentence: “With respect to any divorce, dis-
 8 solution of marriage, annulment, or legal separation, re-
 9 gardless of when the divorce, dissolution of marriage, an-
 10 nulment, or legal separation took or takes effect, a court
 11 shall not order a member on active duty, while the member
 12 remains on active duty, to make a payment to a spouse
 13 or former spouse when such payment is attributable to the
 14 treatment of disposable retired pay as the property of the
 15 member and member’s spouse.”.

16 **SEC. 522. REVOCATION OF “TEN-YEAR RULE” FOR DIRECT**
 17 **PAYMENT OF RETIRED PAY.**

18 (a) REVOCATION OF TEN-YEAR RULE.—Section
 19 1408(d) of title 10, United States Code, is amended—

20 (1) by striking paragraph (2); and

21 (2) by redesignating paragraphs (3) through
 22 (7) as paragraphs (2) through (6), respectively.

23 (b) EFFECTIVE DATE.—The amendments made by
 24 this section shall take effect on the first day of the first
 25 month which begins more than 120 days after the date

1 of enactment of this Act and shall apply only to payments
2 of retired pay for periods beginning on or after the effec-
3 tive date of this section in the case of any former spouse
4 of a member or former member of the uniformed services.

5 **SEC. 523. INCREASES FOR DIVISIONS OF RETIRED PAY EX-**
6 **PRESSED AS A DOLLAR AMOUNT.**

7 (a) MONETARY AMOUNT ADJUSTMENT.—Section
8 1408(a)(2)(C) of title 10, United States Code, is amended
9 by striking “expressed in dollars” and inserting “ex-
10 pressed as a specific dollar amount, with such amount,
11 if so ordered, being adjusted in the same manner and at
12 the same time as retired pay is adjusted to reflect changes
13 in the Consumer Price Index under section 1401a of this
14 title,”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall apply with respect to court orders that
17 become effective after the end of the 90-day period begin-
18 ning on the date of enactment of this Act.

19 **SEC. 524. ALLOWING MEMBER TO SUBMIT APPLICATION**
20 **FOR DIRECT PAYMENT.**

21 (a) PERMIT APPLICATION FOR DIRECT PAYMENT BY
22 MEMBER.—The first sentence of paragraph (1) of section
23 1408(d) of title 10, United States Code, is amended by
24 inserting “by a member or former member or the spouse

1 or former spouse of such member” after “the Secretary
2 concerned”.

3 (b) CONDITIONS FOR DIRECT PAYMENT.—Section
4 1408(d) of such title is amended by adding at the end
5 the following new paragraph:

6 “(8) A former spouse who accepts payment
7 shall be deemed—

8 “(A) to have consented and agreed to the
9 recovery of any future overpayments, including
10 recovery by involuntary collection from the
11 former spouse or his or her estate; and

12 “(B) to have agreed to give prompt notice
13 in writing to the Secretary if—

14 “(i) the operative court order upon
15 which payment is based is vacated, modi-
16 fied, or set aside;

17 “(ii) the former spouse remarries, if
18 all or a part of the payment is for alimony;
19 or

20 “(iii) the former spouse is ineligible
21 for child support payments due to the
22 death, emancipation, adoption, or attain-
23 ment of a child whose support is provided
24 through direct payment to a former spouse
25 from retired pay.”.

1 (c) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to applications for direct payment
 3 of retired pay submitted to the Secretary concerned after
 4 the end of the 90-day period beginning on the date of en-
 5 actment of this Act.

6 **SEC. 525. ALLOW MEMBER TO WAIVE NOTICE AND PROVIDE**
 7 **COURT ORDER UPON REQUEST.**

8 (a) ALLOW MEMBER TO WAIVE NOTICE AND PRO-
 9 VIDE COURT ORDER UPON REQUEST.—Section 1408(g)
 10 of title 10, United States Code, is amended—

11 (1) by striking “A person” and inserting “Un-
 12 less notice is waived by the member, a person”; and

13 (2) by striking “(together with a copy of such
 14 order)” and inserting “and, upon request, a copy of
 15 such order”.

16 (b) EFFECTIVE DATE.—The amendments made by
 17 this section shall apply to court orders received by the Sec-
 18 retary concerned after the end of the 90-day period begin-
 19 ning on the date of enactment of this Act.

20 **Subtitle D—Military Justice**
 21 **Matters**

22 **SEC. 531. COURTS-MARTIAL FOR THE NATIONAL GUARD**
 23 **WHEN NOT IN FEDERAL SERVICE.**

24 (a) COMPOSITION, JURISDICTION, AND PROCE-
 25 DURES.—Section 326 of title 32, United States Code, is

1 amended by striking the second sentence and inserting the
2 following:

3 “They may have the jurisdiction, powers, and forms
4 and procedures provided for those courts. Punishments
5 shall be as provided by the laws of the respective states,
6 territories, Puerto Rico, or the District of Columbia.”.

7 (b) GENERAL COURTS-MARTIAL OF NATIONAL
8 GUARD NOT IN FEDERAL SERVICE.—Section 327 of title
9 32, United States Code, is amended by striking sub-
10 sections (a) and (b) in their entirety and inserting the fol-
11 lowing:

12 “In the National Guard not in Federal service, gen-
13 eral, special, and summary courts-martial may be con-
14 vened as provided by the laws of the respective states, ter-
15 ritories, Puerto Rico, or the District of Columbia. General
16 courts-martial for the National Guard not in Federal serv-
17 ice may also be convened by the President. Special courts-
18 martial for the National Guard not in Federal service may
19 also be convened by the commanding officer of a garrison,
20 fort, post, camp, air base, auxiliary air base, or other place
21 where troops are on duty, or of a regiment, wing, group,
22 detached battalion, separate squadron, or other detached
23 command. Summary courts-martial for the National
24 Guard not in Federal service may also be convened by the
25 commanding officer of a garrison, fort, post, camp, air

1 base, auxiliary air base, or other place where troops are
 2 on duty, or of a regiment, wing, group, detached battalion,
 3 detached squadron, detached company, or other detach-
 4 ment.”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) Sections 328, 329, 330, 331, 332, and 333,
 7 of title 32, United States Code, are repealed.

8 (2) The table of sections at the beginning of
 9 chapter 3 of such title is amended by striking the
 10 items relating to sections 328, 329, 330, 331, 332,
 11 and 333.

12 **Subtitle E—Other Matters**

13 **SEC. 541. VEHICLE STORAGE IN LIEU OF TRANSPORTATION** 14 **WHEN MEMBER IS ORDERED TO NON-FOR-** 15 **EIGN DUTY STATION OUTSIDE CONTINENTAL** 16 **UNITED STATES.**

17 Section 2634 of title 10, United States Code, is
 18 amended—

19 (1) in subsection (b)(1)—

20 (A) by inserting after “to a foreign coun-
 21 try” the following: “or to a non-foreign area
 22 outside the continental United States”; and

23 (B) by inserting after “into that country”
 24 the following: “or area”; and

1 (2) in subsection (h), by adding at the end the
 2 following new paragraph:

3 “(3) The term ‘non-foreign area outside the
 4 continental United States’ means the States of Alas-
 5 ka and Hawaii, the Commonwealths of Puerto Rico
 6 and the Northern Mariana Islands, Guam, and other
 7 territories and possessions of the United States.”.

8 **SEC. 542. ADMINISTRATIVE SUPPORT AND SERVICES FOR**
 9 **FOREIGN LIAISON OFFICERS.**

10 (a) ESTABLISHMENT.—Subchapter II of chapter 138
 11 of title 10, United States Code, is amended by adding at
 12 the end the following new section:

13 **“§ 2350l. Administrative services and support for for-**
 14 **eign liaison officers**

15 “(a) AUTHORITY.—The Secretary of Defense may
 16 provide administrative services and support to foreign liai-
 17 son officers performing duties while such officers tempo-
 18 rarily are assigned to components or commands of the
 19 United States Armed Forces. For purposes of this section,
 20 the term ‘administrative services and support’ includes
 21 base or installation operation support services, office
 22 space, utilities, copying services, fire and police protection,
 23 and computer support.

24 “(b) REIMBURSEMENT.—The Secretary of Defense
 25 may provide the services and support authorized under

1 subsection (a) with or without reimbursement as the Sec-
 2 retary of Defense deems appropriate.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 at the beginning of such subchapter II of chapter 138 is
 5 amended by adding at the end the following new item:

“23501. Administrative services and support for foreign liaison officers.”.

6 **TITLE VI—COMPENSATION**

7 **Subtitle A—Pay and Allowances**

8 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2003.**

9 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
 10 adjustment to become effective during fiscal year 2003 re-
 11 quired by section 1009 of title 37, United States Code,
 12 in the rates of monthly basic pay authorized members of
 13 the uniformed services shall not be made.

14 (b) INCREASE IN BASIC PAY.—Effective on January
 15 1, 2003, the rates of monthly basic pay for members of
 16 the uniformed services within each pay grade are as fol-
 17 lows:

1

MONTHLY BASIC PAY ^{1 2 3}
COMMISSIONED OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	7,474.50	7,719.30	7,881.60	7,927.20	8,129.40
O-7 ...	6,210.90	6,499.20	6,633.00	6,739.20	6,930.90
O-6 ...	4,603.20	5,057.10	5,388.90	5,388.90	5,409.60
O-5 ...	3,837.60	4,323.00	4,622.40	4,678.50	4,864.80
O-4 ...	3,311.10	3,832.80	4,088.70	4,145.70	4,383.00
O-3 ...	2,911.20	3,300.30	3,562.20	3,883.50	4,069.50
O-2 ...	2,515.20	2,864.70	3,299.40	3,410.70	3,481.20
O-1 ...	2,183.70	2,272.50	2,746.80	2,746.80	2,746.80
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	8,468.70	8,547.30	8,868.90	8,961.30	9,238.20
O-7 ...	7,120.80	7,340.40	7,559.40	7,779.00	8,468.70
O-6 ...	5,641.20	5,672.10	5,672.10	5,994.60	6,564.30
O-5 ...	4,977.00	5,222.70	5,403.00	5,635.50	5,991.90
O-4 ...	4,637.70	4,954.50	5,201.40	5,372.70	5,471.10
O-3 ...	4,273.50	4,405.80	4,623.30	4,736.10	4,736.10
O-2 ...	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O-1 ...	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10	\$0.00	\$12,077.70	\$12,137.10	\$12,389.40	\$12,829.20
O-9 ...	0.00	10,563.60	10,715.70	10,935.60	11,319.60
O-8 ...	9,639.00	10,008.90	10,255.80	10,255.80	10,255.80
O-7 ...	9,051.30	9,051.30	9,051.30	9,051.30	9,096.90
O-6 ...	6,898.80	7,233.30	7,423.50	7,616.10	7,989.90
O-5 ...	6,161.70	6,329.10	6,519.60	6,519.60	6,519.60
O-4 ...	5,528.40	5,528.40	5,528.40	5,528.40	5,528.40
O-3 ...	4,736.10	4,736.10	4,736.10	4,736.10	4,736.10
O-2 ...	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O-1 ...	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE
DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT
OFFICER**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	\$3,883.50	\$4,069.50
O-2E	0.00	0.00	0.00	3,410.70	3,481.20
O-1E	0.00	0.00	0.00	2,746.80	2,933.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	\$4,273.50	\$4,405.80	\$4,623.30	\$4,806.30	\$4,911.00
O-2E	3,591.90	3,778.80	3,923.40	4,031.10	4,031.10
O-1E	3,042.00	3,152.70	3,261.60	3,410.70	3,410.70
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	\$5,054.40	\$5,054.40	\$5,054.40	\$5,054.40	\$5,054.40
O-2E	4,031.10	4,031.10	4,031.10	4,031.10	4,031.10
O-1E	3,410.70	3,410.70	3,410.70	3,410.70	3,410.70

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,008.10	3,236.10	3,329.10	3,420.60	3,578.10
W-3 ..	2,747.10	2,862.00	2,979.30	3,017.70	3,141.00
W-2 ..	2,416.50	2,554.50	2,675.10	2,763.00	2,838.30
W-1 ..	2,133.90	2,308.50	2,425.50	2,501.10	2,662.50
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,733.50	3,891.00	4,044.60	4,203.60	4,356.00
W-3 ..	3,281.70	3,467.40	3,580.50	3,771.90	3,915.60
W-2 ..	2,993.10	3,148.50	3,264.00	3,376.50	3,453.90
W-1 ..	2,782.20	2,888.40	3,006.90	3,085.20	3,203.40
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ..	\$0.00	\$5,169.30	\$5,346.60	\$5,524.50	\$5,703.30
W-4 ..	4,512.00	4,664.40	4,822.50	4,978.20	5,137.50
W-3 ..	4,058.40	4,201.50	4,266.30	4,407.00	4,548.00
W-2 ..	3,579.90	3,705.90	3,831.00	3,957.30	3,957.30
W-1 ..	3,320.70	3,409.50	3,409.50	3,409.50	3,409.50

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 ...	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 ...	0.00	0.00	0.00	0.00	0.00
E-7 ...	2,068.50	2,257.80	2,343.90	2,428.20	2,516.40
E-6 ...	1,770.60	1,947.60	2,033.70	2,117.10	2,204.10
E-5 ...	1,625.40	1,733.70	1,817.40	1,903.50	2,037.00
E-4 ...	1,502.70	1,579.80	1,665.30	1,749.30	1,824.00
E-3 ...	1,356.90	1,442.10	1,528.80	1,528.80	1,528.80
E-2 ⁴	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 ⁵	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 ...	\$0.00	\$3,564.30	\$3,645.00	\$3,747.00	\$3,867.00
E-8 ...	2,975.40	3,061.20	3,141.30	3,237.60	3,342.00
E-7 ...	2,667.90	2,753.40	2,838.30	2,990.40	3,066.30
E-6 ...	2,400.90	2,477.40	2,562.30	2,636.70	2,663.10
E-5 ...	2,151.90	2,236.80	2,283.30	2,283.30	2,283.30
E-4 ...	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E-3 ...	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E-2 ⁴	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 ⁵	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 ...	\$3,987.30	\$4,180.80	\$4,344.30	\$4,506.30	\$4,757.40
E-8 ...	3,530.10	3,625.50	3,787.50	3,877.50	4,099.20
E-7 ...	3,138.60	3,182.70	3,331.50	3,427.80	3,671.40
E-6 ...	2,709.60	2,709.60	2,709.60	2,709.60	2,709.60
E-5 ...	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30
E-4 ...	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E-3 ...	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E-2 ⁴	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 ⁵	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80

¹Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades 0–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

²Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is \$14,155.50, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, the rate of basic pay for this grade is \$5,732.70, regardless of cumulative years of service computed under section 205 of title 37, United States Code, and may not exceed the rate of pay for level V of the Executive Schedule.

⁴Applies to personnel who have served 4 months or more on active duty.

⁵Applies to personnel who have served less than 4 months on active duty.

1 **SEC. 602. INCREASE BASIC ALLOWANCE FOR SUBSISTENCE**
 2 **FOR MEMBERS FORCED TO PURCHASE**
 3 **MEALS OUTSIDE MESSING FACILITY.**

4 Section 402(d) of title 37, United States Code, is
 5 amended to read as follows:

6 “(d) SPECIAL RULE FOR CERTAIN ENLISTED MEM-
 7 BERS.—The Secretary of Defense, and the Secretary of
 8 Transportation with respect to the Coast Guard when it
 9 is not operating as a service in the Navy, may prescribe
 10 a basic allowance for subsistence rate twice the amount
 11 prescribed in paragraph (b)(2) for an enlisted member as-
 12 signed to single Government quarters when—

13 “(1) the Government messing facility that
 14 serves the single Government quarters to which the
 15 member is assigned is not able to make meals avail-
 16 able to the member, and

17 “(2) there are no adequate food storage or
 18 preparation facilities in the single Government quar-
 19 ters.”.

20 **SEC. 603. EXTENSION OF BASIC HOUSING ALLOWANCE FOR**
 21 **LOW COST OR NO COST MOVES TO MOVES**
 22 **OUTSIDE THE UNITED STATES.**

23 Section 403 of title 37, United States Code, is
 24 amended—

25 (1) by striking subsection (b)(7);

1 (2) by redesignating subsections (d) through
 2 (n) as subsections (e) through (o), respectively; and
 3 (3) by inserting after subsection (c) the fol-
 4 lowing new subsection (d):

5 “(d) LOW-COST OR NO-COST MOVES.—In the case
 6 of a member who is assigned to duty, the location or the
 7 circumstances of which make it necessary that the member
 8 be reassigned under the conditions of low-cost or no-cost
 9 permanent change of station or permanent change of as-
 10 signment, the member may be treated as if the member
 11 were not reassigned if the Secretary concerned determines
 12 that it would be inequitable to base the member’s entitle-
 13 ment to, and amount of, a basic allowance for housing on
 14 the cost of housing in the area to which the member is
 15 reassigned.”.

16 **Subtitle B—Bonuses and Special** 17 **and Incentive Pays**

18 **SEC. 611. EXTENSION OF AUTHORITIES RELATING TO PAY-** 19 **MENT OF OTHER BONUSES AND SPECIAL** 20 **PAYS.**

21 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
 22 tion 301b(a) of title 37, United States Code, is amended
 23 by striking “December 31, 2002” and inserting “Sep-
 24 tember 30, 2004”.

1 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
2 BERS.—Section 308(g) of title 37, United States Code, is
3 amended by striking “December 31, 2002” and inserting
4 “September 30, 2004”.

5 (c) ENLISTMENT BONUS.—Section 309(e) of title 37,
6 United States Code, is amended by striking “December
7 31, 2002” and inserting “September 30, 2004”.

8 (d) RETENTION BONUS FOR MEMBERS QUALIFIED
9 IN A CRITICAL MILITARY SKILL.—Section 323(i) of title
10 37, United States Code, is amended by striking “Decem-
11 ber 31, 2002” and inserting “September 30, 2004”.

12 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-
13 ICAL SKILLS.—Section 324(g) of title 37, United States
14 Code, is amended by striking “December 31, 2002” and
15 inserting “September 30, 2004”.

16 (f) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
17 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
18 312(e) of title 37, United States Code, is amended by
19 striking “December 31, 2002” and inserting “December
20 31, 2004”.

21 (g) NUCLEAR CAREER ACCESSION BONUS.—Section
22 312b(c) of title 37, United States Code, is amended by
23 striking “December 31, 2002” and inserting “December
24 31, 2004”.

1 (h) NUCLEAR CAREER ANNUAL INCENTIVE
 2 BONUS.—Section 312c(d) of title 37, United States Code,
 3 is amended by striking “December 31, 2002” and insert-
 4 ing “December 31, 2004”.

5 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**
 6 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
 7 **DIDATES, REGISTERED NURSES, NURSE AN-**
 8 **ESTHETISTS, AND DENTAL OFFICERS.**

9 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
 10 GRAM.—Section 2130a(a)(1) of title 10, United States
 11 Code, is amended by striking “December 31, 2002” and
 12 inserting “September 30, 2004”.

13 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
 14 Section 302d(a)(1) of title 37, United States Code, is
 15 amended by striking “December 31, 2002” and inserting
 16 “September 30, 2004”.

17 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
 18 THETISTS.—Section 302e(a)(1) of title 37, United States
 19 Code, is amended by striking “December 31, 2002” and
 20 inserting “September 30, 2004”.

21 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—
 22 Section 302h(a)(1) of title 37, United States Code, is
 23 amended by striking “December 31, 2002” and inserting
 24 “September 30, 2004”.

1 **SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
2 **SPECIAL PAY AUTHORITIES FOR RESERVE**
3 **FORCES.**

4 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
5 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
6 302g(f) of title 37, United States Code, is amended by
7 striking “December 31, 2002” and inserting “December
8 31, 2003”.

9 (b) SELECTED RESERVE REENLISTMENT BONUS.—
10 Section 308b(f) of title 37, United States Code, is amend-
11 ed by striking “December 31, 2002” and inserting “De-
12 cember 31, 2003”.

13 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
14 tion 308c(e) of title 37, United States Code, is amended
15 by striking “December 31, 2002” and inserting “Decem-
16 ber 31, 2003”.

17 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
18 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
19 308d(c) of title 37, United States Code, is amended by
20 striking “December 31, 2002” and inserting “December
21 31, 2003”.

22 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
23 tion 308e(e) of title 37, United States Code, is amended
24 by striking “December 31, 2002” and inserting “Decem-
25 ber 31, 2003”.

1 (f) READY RESERVE ENLISTMENT AND REENLIST-
 2 MENT BONUS.—Section 308h(g) of title 37, United States
 3 Code, is amended by striking “December 31, 2002” and
 4 inserting “December 31, 2003”.

5 (g) PRIOR SERVICE REENLISTMENT BONUS.—Sec-
 6 tion 308i(f) of title 37, United States Code, is amended
 7 by striking “December 31, 2002” and inserting “Decem-
 8 ber 31, 2003”.

9 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
 10 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
 11 LECTED RESERVE.—Section 16302(d) of title 10, United
 12 States Code, is amended by striking “January 1, 2003”
 13 and inserting “January 1, 2004”.

14 **SEC. 614. INCREASE PRIOR SERVICE ENLISTMENT BONUS.**

15 Section 308i(b)(1) of title 37, United States Code,
 16 is amended—

17 (1) in subparagraph (A), by striking “\$5,000”
 18 and inserting “\$8,000”;

19 (2) in subparagraph (B), by striking “\$2,500”
 20 and inserting “\$4,000”; and

21 (3) in subparagraph (C), by striking “\$2,000”
 22 and inserting “\$3,500”.

Subtitle C—Travel and Transportation Allowances

SEC. 621. EQUITABLE COMPENSATION SUPPORT FOR MILITARY FUNERAL HONORS.

Section 1491 of title 10, United States Code, is amended—

(1) in the first sentence of subsection (b)(2), by striking “(other than members in a retired status)” and inserting “or military retirees”.

(2) in subsection (d)—

(A) by amending paragraph (1) to read as follows: “Transportation, or a flat rate daily stipend established annually by the Secretary of Defense that will encompass costs for transportation and other miscellaneous expenses for a person who participates in the funeral honors detail and is not a member of the armed forces or an employee of the United States.”;

(B) in paragraph (2), by inserting “military retirees,” after “training for”; and

(C) by adding at the end the following new paragraph:

“(4) Notwithstanding any other provision of law, the stipend paid under this subsection to a retired member of the armed forces shall be in addi-

1 tion to any other compensation authorized to which
 2 the retired member may be entitled.”.

3 **SEC. 622. EXPANSION OF OVERSEAS TOUR EXTENSION BEN-**
 4 **EFITS.**

5 Section 705(b)(2) of title 10, United States Code, is
 6 amended to read as follows:

7 “(2) a period of rest and recuperation absence
 8 for not more than 15 days and round-trip transpor-
 9 tation at Government expense from the location of
 10 the extended tour of duty to the nearest port in the
 11 48 contiguous States, or to an alternate location at
 12 a cost not to exceed the cost to the nearest port in
 13 the 48 contiguous States, and return.”.

14 **SEC. 623. EXTENSION OF PERIOD FOR USE OF LEAVE TRAV-**
 15 **EL ENTITLEMENT FOR CONSECUTIVE OVER-**
 16 **SEAS TOURS.**

17 Section 411b(a)(2) of title 37, United States Code,
 18 is amended to read as follows:

19 “(2) Under the regulations referred to in para-
 20 graph (1), a member may defer the travel for which
 21 the member is paid travel and transportation allow-
 22 ances under such paragraph until anytime before the
 23 completion of that consecutive tour of duty at the
 24 same duty station or at another duty station also

1 outside the 48 contiguous States and the District of
 2 Columbia, as the case may be.”.

3 **Subtitle D—Retirement and** 4 **Survivor Benefit Matters**

5 **SEC. 631. CLARIFICATION OF DISABILITY SEVERANCE PAY** 6 **COMPUTATION.**

7 Paragraph (2) of section 1212(a) of title 10, United
 8 States Code, is amended—

9 (1) in subparagraph (C) by striking “for pro-
 10 motion”; and

11 (2) in subparagraph (D) by striking “for pro-
 12 motion” after “examination”.

13 **SEC. 632. AUTHORITY TO INCREASE RETIRED PAY FOR EN-** 14 **LISTED RESERVE COMPONENT PERSONNEL** 15 **DECORATED FOR EXTRAORDINARY HEROISM.**

16 Section 12739 of title 10, United States Code, is
 17 amended—

18 (1) by redesignating subsections (b) and (c) as
 19 subsections (c) and (d), respectively;

20 (2) by inserting after subsection (a) the fol-
 21 lowing new subsection (b):

22 “(b) If a member who is retired under section 12731
 23 of this title has been credited by the Secretary concerned
 24 with extraordinary heroism in the line of duty, the mem-
 25 ber’s retired pay shall be increased by 10 percent of the

1 amount determined under subparagraph (a) (but to not
 2 more than 75 percent of the retired pay base upon which
 3 the computation of such retired pay is based). The Sec-
 4 retary’s determination as to extraordinary heroism is con-
 5 clusive for all purposes.”; and

6 (3) by amending subsection (c), as redesignated
 7 by paragraph (1), to read as follows:

8 “(c) The amount computed under subsection (a), to
 9 include the increase authorized in subsection (b) when ap-
 10 propriate, may not exceed 75 percent of the retired pay
 11 base upon which the computation is based.”.

12 **SEC. 633. SURVIVOR BENEFIT PLAN; MULTIPLE BENE-**
 13 **FICIARIES.**

14 (a) PERMIT SPOUSE AND FORMER SPOUSE COV-
 15 ERAGE.—Section 1448(b)(2) of title 10, United States
 16 Code, related to former spouse coverage upon becoming
 17 a participant in the Plan, is amended—

18 (1) in subparagraph (B), related to the effect of
 19 former spouse election on spouse or dependent
 20 child—

21 (A) by striking “prevents payment” and
 22 inserting “reduces the amount,”; and

23 (B) by striking “including payment” and
 24 inserting “including the amount of an annuity”;
 25 and

1 (2) in subparagraph (C), related to designation
 2 if more than one former spouse, by striking “which
 3 former spouse is to be provided the annuity,” and
 4 inserting “the base amount applicable in deter-
 5 mining the amount of the annuity of each former
 6 spouse.”.

7 (b) PERMIT SPOUSE AND FORMER SPOUSE ANNU-
 8 ITIES.—Section 1450(a)(1) of such title 10, related to
 9 payment of annuity to surviving spouse and former
 10 spouse, is amended to read as follows:

11 “(1) SURVIVING SPOUSE AND FORMER
 12 SPOUSE(S).—The eligible surviving spouse and every
 13 eligible former spouse.”.

14 (c) PERMIT REDUCTIONS IN RETIRED PAY IN THE
 15 CASE OF MULTIPLE BENEFICIARIES.—Section 1452 of
 16 such title 10, related to reduction in retired pay, is amend-
 17 ed by adding at the end thereof the following new sub-
 18 section (k) as follows:

19 “(k) REDUCTIONS IN RETIRED PAY IN THE CASE OF
 20 MULTIPLE BENEFICIARIES.—When a participant in the
 21 Plan has elected to provide an annuity to a spouse and
 22 to one or more former spouses, reductions in retired pay
 23 required by subsection (a) shall be made for each annuity
 24 elected, in an amount based on the base amount applicable
 25 to each annuity. In the case of a reduction in retired pay

1 to provide an annuity to a former spouse to whom pay-
2 ment of a portion of a member's retired pay is being made
3 pursuant to a court order under section 1408 of this title,
4 such reduction in retired pay shall be deducted from the
5 amounts paid to such member, to such former spouse, or
6 both, as provided by court order or by agreement of the
7 parties.”.

8 (d) EFFECTIVE DATE.—The amendments made by
9 subsections (a), (b), and (c) apply with respect to elections
10 made on or after the date of enactment of this Act. Any
11 election to provide an annuity to a spouse or former
12 spouse who was prevented from being a beneficiary under
13 the laws in effect before the date of enactment of this Act
14 shall be made within 180 days following the date of enact-
15 ment of this Act.

16 (e) COVERAGE FOR SURVIVORS OF RETIREMENT-
17 ELIGIBLE MEMBERS WHO DIE ON ACTIVE DUTY.—(1)
18 Section 1448(d)(3) of such title 10, related to mandatory
19 former spouse annuity for survivor of retirement-eligible
20 members who die on active duty, is amended by striking
21 the dash following “the Secretary” and “(A) may not pay
22 an annuity under paragraph (1) or (2); but (B)”.

23 (2) Section 1448(d)(5) of such title 10, related to the
24 computation of the amount of an annuity for survivors of

1 retirement-eligible members who die on active duty, is
2 amended to read as follows:

3 “(5) COMPUTATION.—(A) The amount of an
4 annuity payable to a former spouse pursuant to
5 paragraph (3) shall be computed on the basis of a
6 base amount equal to the amount of retired pay
7 that, under the authority of section 1408(c) of this
8 title, is treated under a court order or spousal agree-
9 ment as the property of such former spouse.

10 “(B) The amount of an annuity payable under
11 paragraph (1) or paragraph (2) shall be computed
12 under section 1451(c) of this title, however, the re-
13 tired pay otherwise applicable with respect to such
14 computation shall be reduced by an amount equal to
15 the base amount that provides the basis for com-
16 puting the amount of an annuity payable to a
17 former spouse under paragraph (3) this sub-
18 section.”.

19 (3) EFFECTIVE DATE.—The amendments made by
20 subsection (e) shall apply with respect to survivors of re-
21 tirement-eligible members who die on active duty on or
22 after the date of enactment of this Act.

23 (f) COVERAGE FOR SURVIVORS OF PERSONS DYING
24 WHEN ELIGIBLE TO ELECT RESERVE-COMPONENT AN-
25 NUITY.—(1) Section 1448(f)(3) of such title 10, related

1 to mandatory former spouse annuity for survivor of per-
 2 sons dying when eligible to elect reserve-component annu-
 3 ity, is amended by striking the dash following “the Sec-
 4 retary” and “(A) may not pay an annuity under para-
 5 graph (1) or (2); but (B)”.

6 (2) Section 1448(f)(4) of such title 10, related to the
 7 computation of the amount of an annuity for survivors of
 8 persons dying when eligible to elect reserve-component an-
 9 nuity, is amended to read as follows:

10 “(4) COMPUTATION.—(A) The amount of an
 11 annuity payable to a former spouse pursuant to
 12 paragraph (3) shall be computed on the basis of a
 13 base amount equal to the amount of retired pay
 14 that, under the authority of section 1408(c) of this
 15 title, is treated under a court order or spousal agree-
 16 ment as the property of such former spouse.

17 “(B) The amount of an annuity payable under
 18 paragraph (1) or paragraph (2) shall be computed
 19 under section 1451(c) of this title, however, the re-
 20 tired pay otherwise applicable with respect to such
 21 computation shall be reduced by an amount equal
 22 to the base amount that provides the basis for com-
 23 puting the amount of an annuity payable to a
 24 former spouse under paragraph (3) of this sub-
 25 section.”.

1 (3) **EFFECTIVE DATE.**—The amendments made by
 2 subsection (f) shall apply with respect to survivors of per-
 3 sons eligible to elect reserve-component annuity retire-
 4 ment-eligible members who die on or after the date of en-
 5 actment of this Act.

6 **SEC. 634. SURVIVOR BENEFIT PLAN; PRESUMPTIVE PRO-**
 7 **PORTIONATE SHARE.**

8 (a) **PRESUMPTIVE BASE AMOUNT FOR FORMER**
 9 **SPOUSE.**—Section 1447(6) of title 10, United States
 10 Code, is amended by adding at the end the following new
 11 subparagraph:

12 “(D) **PRESUMPTIVE PROPORTIONATE**
 13 **AMOUNT FOR FORMER SPOUSE.**—In the case of
 14 an annuity provided under the Plan for a
 15 former spouse, unless otherwise agreed to by
 16 the member and former spouse or ordered by a
 17 court, such term means any amount of monthly
 18 retired pay, which is not less than \$300, pay-
 19 able to such former spouse as a result of a
 20 court treating disposable retired pay of a mem-
 21 ber as the property of the member and his
 22 spouse under the authority of section 1408(c).”.

23 (b) **EFFECTIVE DATE.**—The amendments made by
 24 this section shall apply with respect to divorces, dissolu-
 25 tions, annulments, and legal separations that become ef-

1 fective after the end of the 90-day period beginning on
2 the date of enactment of this Act.

3 **SEC. 635. SURVIVOR BENEFIT PLAN; FINANCIAL RESPONS-**
4 **BILITY FOR SURVIVOR BENEFIT PLAN PAR-**
5 **TICIPATION.**

6 (a) CHANGE TO DISPOSABLE RETIRED PAY.—Sec-
7 tion 1452(a) of title 10, United States Code, is amended—
8 (1) in paragraph (1), by inserting “paragraph
9 6 of this subsection or” before “subsection b”; and
10 (2) by adding at the end the following new
11 paragraph:

12 “(6) If a court order requires the former spouse
13 to pay all or a part of the costs associated with pro-
14 viding an annuity to the former spouse, the partici-
15 pant’s retired pay shall not be reduced by the por-
16 tion that the former spouse is required to pay.”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply with respect to divorces, dissolu-
19 tions, annulments, or legal separations that become effec-
20 tive after the end of the 90-day period beginning on the
21 date of enactment of this Act and with respect to court
22 orders issued after the date of enactment of this Act modi-
23 fying court orders issued before the date of enactment of
24 this Act.

1 **Subtitle E—Other Matters**

2 **SEC. 641. REPEAL OF LIMITED EXEMPTION FROM BAN ON** 3 **HONORARIA FOR PERSONNEL AT CERTAIN** 4 **DEPARTMENT OF DEFENSE SCHOOLS.**

5 Section 542 of the National Defense Authorization
 6 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
 7 2413) is repealed.

8 **TITLE VII—HEALTH CARE** 9 **PROVISIONS**

10 **Subtitle A—TRICARE Program** 11 **Improvements**

12 **SEC. 701. IMPROVEMENT IN THE ADMINISTRATION OF THE** 13 **TRICARE PROGRAM.**

14 Section 1072(7) of title 10, United States Code, is
 15 amended by striking “the competitive selection of contrac-
 16 tors to financially underwrite the delivery of health care
 17 services” and inserting “the competitive selection of con-
 18 tractors to support most effectively the delivery of health
 19 care services”.

20 **SEC. 702. DEPENDENT DENTAL CARE ENHANCEMENTS.**

21 (a) ENABLE DEPENDENTS OF MEMBERS WHO DIE
 22 WHILE ON ACTIVE DUTY FOR MORE THAN 30 DAYS TO
 23 ENROLL IN TRICARE DENTAL PROGRAM.—Section
 24 1076a(k)(2) of title 10, United States Code, is amended
 25 by inserting “(or, if not enrolled, if the member discon-

1 tinued participation under subsection (f))” after “sub-
2 section (a)”.

3 (b) AUTHORITY TO PROVIDE LIMITED DENTAL
4 CARE TO DEPENDENTS ENROLLED IN A DENTAL CARE
5 PLAN.—Section 1077(c) of such title is amended—

6 (1) by striking “and” following “the United
7 States”; and

8 (2) by inserting before the period at the end of
9 the following: “, and other dental care in special cir-
10 cumstances as determined under regulations issued
11 by the Secretary of Defense”.

12 **Subtitle B—Senior Health Care**

13 **SEC. 711. IMPROVEMENTS REGARDING THE DEPARTMENT** 14 **OF DEFENSE MEDICARE-ELIGIBLE RETIREE** 15 **HEALTH CARE FUND.**

16 (a) SOURCE OF FUNDS FOR MONTHLY ACCRUAL
17 PAYMENTS INTO THE FUND.—Section 116(c) of title 10,
18 United States Code, is amended to read as follows:

19 “(c) Amounts paid into the Fund under subsection
20 (a) shall be paid from funds available for the pay of mem-
21 bers of the participating uniformed services under the ju-
22 risdiction of the respective administering Secretaries.”.

23 (b) MANDATORY PARTICIPATION OF OTHER UNI-
24 FORMED SERVICES.—Section 1111(c) of such title is
25 amended—

1 (1) in the first sentence, by striking “may enter
2 into an agreement with any other administering Sec-
3 retary” and inserting “shall enter into an agreement
4 with each other administering Secretary”; and

5 (2) in the second sentence, by striking “Any”
6 and inserting “Each”.

7 (c) EXCLUSION OF CADETS AND MIDSHIPMEN.—Sec-
8 tion 1111(b) of such title is amended by adding at the
9 end the following new paragraph:

10 “(5) The term ‘members of the uniformed serv-
11 ices on active duty’ does not include a cadet at the
12 United States Military Academy, the United States
13 Air Force Academy, or the Coast Guard Academy,
14 or a midshipman at the United States Naval Acad-
15 emy.”.

16 **Subtitle C—Other Matters**

17 **SEC. 721. ASSISTANCE RELATING TO BIOTERRORISM MASS** 18 **CASUALTIES.**

19 Section 361 of the Public Health Service Act (42
20 U.S.C. 264) is amended by adding at the end the following
21 new subsection:

22 “(e) When the President determines that the public
23 health so requires, the President may authorize the Sec-
24 retary of Defense to employ the United States armed
25 forces in support of the Secretary of Health and Human

1 Services in the execution of this section, and sections 362
2 and 364 of this Act.”.

3 **TITLE VIII—ACQUISITION POL-**
4 **ICY, ACQUISITION MANAGE-**
5 **MENT, AND RELATED MAT-**
6 **TERS**

7 **Subtitle A—Acquisition Policy and**
8 **Management**

9 **SEC. 801. LIVE-FIRE WAIVER AUTHORITY.**

10 Paragraph (1) of section 2366(c) of title 10, United
11 States Code, is amended by inserting “or at the beginning
12 of remaining system development and demonstration or
13 production and deployment when that phase is the first
14 phase of the program as a major defense acquisition pro-
15 gram as defined in section 2399(a)(2) of this title,” after
16 “program enters system development and demonstra-
17 tion,”.

18 **SEC. 802. REPEAL OF CERTIFICATION OF FUNDING FOR**
19 **SUPPORT COSTS IN THE FUTURE YEARS DE-**
20 **FENSE PROGRAM.**

21 Section 2306b(i)(1) of title 10, United States Code,
22 is amended—

23 (1) by striking “each of the following conditions
24 is satisfied:”;

25 (2) by striking subparagraph (A); and

1 (3) by striking “(B) The” and inserting “the”.

2 **SEC. 803. AUTHORITY TO WAIVE DOMESTIC SOURCE OR**
 3 **CONTENT REQUIREMENTS.**

4 (a) IN GENERAL.—Subchapter V of chapter 148 of
 5 title 10, United States Code, is amended by adding at the
 6 end the following new section:

7 **“§ 2539c. Waiver of domestic source or content re-**
 8 **quirements**

9 “(a) AUTHORITY.—Subject to subsections (c) and
 10 (d), and except as provided in subsection (e), the Secretary
 11 of Defense may waive the application of any domestic
 12 source requirement or domestic content requirement re-
 13 ferred to in subsection (b) and thereby authorize the pro-
 14 curement of items that are grown, reprocessed, reused,
 15 produced, or manufactured—

16 “(1) in a foreign country that has a reciprocal
 17 defense procurement memorandum of understanding
 18 or agreement with the United States;

19 “(2) in a foreign country that has a reciprocal
 20 defense procurement memorandum of understanding
 21 or agreement with the United States substantially
 22 from components and materials grown, reprocessed,
 23 reused, produced or manufactured in the United
 24 States or any foreign country that has a reciprocal

1 defense procurement memorandum of understanding
2 or agreement with the United States; or

3 “(3) in the United States substantially from
4 components and materials grown, reprocessed, re-
5 used, produced, or manufactured in the United
6 States or any foreign country that has a reciprocal
7 defense procurement memorandum of understanding
8 or agreement with the United States.

9 “(b) COVERED REQUIREMENTS.—For purposes of
10 this section:

11 “(1) A domestic source requirement is any re-
12 quirement under law that the Department of De-
13 fense must satisfy its needs for an item by procuring
14 an item that is grown, reprocessed, reused, pro-
15 duced, or manufactured in the United States or by
16 a manufacturer that is a part of the national tech-
17 nology and industrial base (as defined in section
18 2500(1) of this title).

19 “(2) A domestic content requirement is any re-
20 quirement under law that the Department of De-
21 fense must satisfy its needs for an item by procuring
22 an item produced or manufactured partly or wholly
23 from components and materials grown, reprocessed,
24 reused, produced, or manufactured in the United
25 States.

1 “(c) APPLICABILITY.—The authority to the Secretary
2 to waive the application of the domestic source or content
3 requirements under subsection (a) applies to the procure-
4 ment of items for which the Secretary of Defense
5 determines—

6 “(1) that application of the requirement would
7 impede the reciprocal procurement of defense items
8 under a memorandum of understanding providing
9 for reciprocal procurement of defense items between
10 a foreign country and the United States in accord-
11 ance with section 2531 of this title, and

12 “(2) that country does not discriminate against
13 defense items produced in the United States to a
14 greater degree than the United States discriminates
15 against defense items produced in that country.

16 “(d) IMPLEMENTATION.—The authority to the Sec-
17 retary to waive the application of the domestic source or
18 content requirements under subsection (a) may not be del-
19 egated below the Under Secretary of Defense for Acquisi-
20 tion, Technology and Logistics. Any such waiver may be
21 granted only after consultation with the United States
22 Trade Representative, the Secretary of Commerce, and the
23 Secretary of State.

24 “(e) LAWS NOT WAIVABLE.—The Secretary of De-
25 fense may not exercise the authority under subsection (a)

1 to waive any domestic source or content requirement con-
 2 tained in the following laws:

3 “(1) The Small Business Act (15 U.S.C. 631 et
 4 seq.).

5 “(2) The Javits-Wagner-O’Day Act (41 U.S.C.
 6 46–48c).

7 “(3) Sections 7309 and 7310 of this title.

8 “(4) Section 2533a of this title.

9 “(f) RELATIONSHIP TO OTHER WAIVER AUTHOR-
 10 ITY.—The authority under subsection (a) to waive a do-
 11 mestic source requirement or domestic content require-
 12 ment is in addition to any other authority to waive such
 13 requirement.

14 “(g) APPLICATION TO FUTURE LAWS.—This section
 15 applies to domestic source requirements and domestic con-
 16 tent requirements enacted before, on, or after the effective
 17 date of this section.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of such subchapter V is amended by in-
 20 serting after the item relating to section 2539b the fol-
 21 lowing new item:

“2539c. Waiver of domestic source or content requirements.”.

1 **SEC. 804. PURCHASE OF DINITROGEN TETROXIDE, HYDRA-**
 2 **ZINE, AND HYDRAZINE-RELATED PRODUCTS.**

3 (a) IN GENERAL.—Chapter 141 of title 10, United
 4 States Code, is amended by inserting after section 2410m.
 5 the following new section:

6 **“§ 2410n. Purchase of dinitrogen tetroxide, hydrazine**
 7 **and hydrazine-related products**

8 “The Secretary of Defense may enter into contracts,
 9 for a period of up to ten years, for the purchase of
 10 dinitrogen tetroxide, hydrazine, and hydrazine-related
 11 products for contracts in support of either United States
 12 national security programs or Federal space programs.
 13 Contracts awarded under this provision may include re-
 14 newal options covering a total period of not more than
 15 ten additional years.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of Chapter 141 by adding at the end the
 18 following item:

“2410n. Purchase of dinitrogen tetroxide, hydrazine and hydrazine-related prod-
 ucts.”.

Subtitle B—Use of Preferred Sources

SEC. 811. ELIGIBILITY OF HUBZONE SMALL BUSINESS CONCERNS AND SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS UNDER THE MENTOR PROTÉGÉ PROGRAM.

Section 831(m)(2) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note), is amended—

(1) by striking “or” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semi-colon; and

(3) by adding at the end the following new subparagraphs:

“(F) a qualified HUBZone small business concern, as defined in section 3(p)(5)(A) of the Small Business Act (15 U.S.C. 632(p)(5)(A)); or

“(G) a small business concern owned and controlled by Service-disabled veterans, as defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 637(q)(2)).”.

1 **Subtitle C—General Contracting**
2 **Procedures and Limitations**

3 **SEC. 821. CONTRACTING FOR SECURITY GUARDS.**

4 Section 2465 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a), by striking “subsection
7 (b)” and inserting “subsections (b) and (c)”; and

8 (2) by inserting at the end the following new
9 subsection (c):

10 “(c) Funds appropriated to the Department of De-
11 fense may be obligated and expended for the purpose of
12 entering into a contract for the performance of security
13 guard functions provided that the Secretary of Defense de-
14 termines that such contract is necessary because the provi-
15 sion of such services by government personnel is not cost
16 effective or practical.”.

17 **SEC. 822. DEMONSTRATION PROJECT USING MULTI-YEAR**
18 **CONTRACTS FOR ENVIRONMENTAL REMEDI-**
19 **ATION.**

20 (a) **AUTHORITY.**—The Secretary of a military depart-
21 ment may conduct a demonstration project to test the fea-
22 sibility of using fixed-price multi-year contracts with incre-
23 mental funding to obtain environmental remediation serv-
24 ices. To the extent that funds are otherwise available for
25 obligation, each such Secretary may enter into not more

1 than four contracts. Payments under the contracts may
2 be made with funds appropriated for the fiscal year during
3 which the services or facilities will be provided.

4 (b) LOCATION OF REMEDIATION.—Any contract en-
5 tered into under the authority provided in subsection (a)
6 shall be limited to environmental remediation services or
7 facilities for an active military installation, an installation
8 being closed or realigned under base realignment, and clo-
9 sure procedures of a formerly-used defense site. Each
10 demonstration project shall be limited to not more than
11 for installations or defense sites with varied size and con-
12 taminant complexity.

13 (c) TIME LIMITATION.—A multi-year contract en-
14 tered into pursuant to subsection (a) may not exceed a
15 period of five years. All such contracts, to the extent prac-
16 ticable, shall be awarded within a year after the enactment
17 of this Act.

18 (d) CONTRACT CANCELLATIONS.—A contract under
19 this section may include cancellation provisions to the ex-
20 tent that such provisions are necessary and in the best
21 interests of the United States. The cancellation provisions
22 may include consideration of both recurring and non-
23 recurring costs of the contractor associated with the provi-
24 sion of services or facilities under a contract entered into
25 pursuant to this section.

1 (e) CANCELLATION OR TERMINATION FOR INSUFFI-
 2 CIENT FUNDING.—In the event funds are not available for
 3 the continuation into a subsequent fiscal year of a contract
 4 entered into pursuant to this section, the contract shall
 5 be canceled or terminated. The costs of such cancellation
 6 or termination may be paid from—

7 (1) appropriations originally available for the
 8 performance of the contract concerned, if available;

9 (2) appropriations currently available for the
 10 procurement of environmental remediation services
 11 or facilities, and not otherwise obligated; or

12 (3) funds appropriated for those payments.

13 **SEC. 823. MICRO-PURCHASE EXCEPTION FOR BALL AND**
 14 **ROLLER BEARINGS.**

15 (a) IN GENERAL.—Chapter 141 of title 10, United
 16 States Code, is amended by inserting after section 2410m
 17 the following new section:

18 **“§ 2410n. Micro-purchase exception for ball and roller**
 19 **bearings.**

20 “The Secretary of Defense may purchase ball and
 21 roller bearings from any source if the purchase is at or
 22 below the micro-purchase threshold as defined in section
 23 32 of the Office of Federal Procurement Policy Act (41
 24 U.S.C. 428). The authority for the Secretary to purchase
 25 ball and roller bearings from any source is exclusive of

1 any other provision of law relating to public contracts or
 2 the procurement of goods other than United States
 3 goods.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 at the beginning of chapter 141 of title 10, United States
 6 Code, is amended by inserting after the item relating to
 7 section 2410m the following new item:

“2410n. Micro-purchase exception for ball and roller bearings.”.

8 **TITLE IX—DEPARTMENT OF DE-**
 9 **FENSE ORGANIZATION AND**
 10 **MANAGEMENT**

11 **Subtitle A—Department of Defense**
 12 **Organization**

13 **SEC. 901. CERTIFICATION FOR DEPARTMENT OF DEFENSE**
 14 **PROFESSIONAL ACCOUNTING POSITIONS.**

15 (a) IN GENERAL.—Chapter 81 of title 10, United
 16 States Code, is amended by adding at the end the fol-
 17 lowing new section:

18 **“§ 1599d. Department of Defense’s professional ac-**
 19 **counting positions**

20 “(a) PROFESSIONAL CERTIFICATION.—Notwith-
 21 standing any other provision of law or regulation, the Sec-
 22 retary of Defense, or an appointed designee, has sole and
 23 exclusive discretion to establish professional certification
 24 and credential standards, and waive such standards, for

1 the Department of Defense’s professional accounting posi-
 2 tions as deemed appropriate by the Secretary.

3 “(b) DEFINITION.—For purposes of this section, the
 4 term ‘professional accounting position’ means a position
 5 or group of positions within the Department of Defense
 6 in the GS–510, GS–511, and GS–505 series that involve
 7 professional accounting work.

8 “(c) EFFECTIVE DATE.—Standards established pur-
 9 suant to this section may take effect no sooner than 120
 10 days after the effective date of this Act.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of such chapter is amended by inserting
 13 after the item relating to section 1599c the following new
 14 item:

“1599d. Certification for the Department of Defense’s professional accounting
 positions.”.

15 **SEC. 902. CONSEQUENCE MANAGEMENT PROGRAM INTE-**
 16 **GRATION OFFICE.**

17 Paragraph (3) of section 12310(c) of title 10, United
 18 States Code, is amended by striking “only—

19 (A) while assigned to the Department of
 20 Defense Consequence Management Program In-
 21 tegration Office; or

22 (B) while assigned” and inserting “only
 23 while assigned”.

1 **Subtitle B—Financial Management**

2 **SEC. 911. PECUNIARY LIABILITY EQUALIZATION.**

3 (a) EXTENSION OF REPORT OF SURVEY PROCE-
 4 DURES TO MEMBERS OF THE NAVY, MARINE CORPS, AND
 5 ALL CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DE-
 6 FENSE.—Chapter 165 of title 10, United States Code, is
 7 amended by inserting after section 2786 the following new
 8 section:

9 **“§ 2787. Reports of survey**

10 “(a) REGULATIONS.—Under such regulations as the
 11 Secretary of Defense may prescribe, any military officer
 12 or any civilian employee of the Department of Defense
 13 designated in accordance with the provisions of such regu-
 14 lations may act upon reports of surveys and vouchers per-
 15 taining to the loss, spoilage, unserviceability, unsuitability,
 16 or destruction of, or damage to, property of the United
 17 States under the control of the Department of Defense.

18 “(b) FINALITY OF ACTION.—Action taken under sub-
 19 section (a) is final, except that action holding a person
 20 pecuniarily liable for loss, spoilage, destruction, or damage
 21 is not final until approved in accordance with the provi-
 22 sions of the regulations prescribed under subsection (a).”.

23 (b) EXTENSION OF PROVISION PERTAINING TO DAM-
 24 AGE OR REPAIR OF ARMS AND EQUIPMENT TO MEMBERS
 25 OF THE NAVY AND MARINE CORPS.—Section 1007(e) of

1 title 37, United States Code, is amended by striking
 2 “Army or the Air Force” and inserting “Army, Navy, Air
 3 Force or Marine Corps”.

4 (c) CLERICAL AMENDMENT.—The table of sections
 5 at the beginning of chapter 165 of title 10, United States
 6 Code, is amended by inserting after the item relating to
 7 section 2786 the following new item:

“2787. Reports of survey.”.

8 (d) REPEAL OF SUPERSEDED PROVISIONS.—(1) Sec-
 9 tions 4835 and 9835 of such title 10 are repealed.

10 (2) The table of sections at the beginning of chapters
 11 453 and 953 of such title 10 are amended by striking the
 12 items relating to sections 4835 and 9835, respectively.

13 **SEC. 912. ACCOUNTABLE OFFICIALS IN THE DEPARTMENT**
 14 **OF DEFENSE.**

15 (a) ADDITIONAL ACCOUNTABLE OFFICIALS WITHIN
 16 THE DEPARTMENT OF DEFENSE.—Chapter 165 of title
 17 10, United States Code, is amended by inserting after sec-
 18 tion 2773 the following new section:

19 **“§ 2773a. Departmental accountable officials**

20 “(a) DESIGNATION.—The Secretary of Defense may
 21 designate, in writing, a civilian employee or a member of
 22 the armed forces under the Secretary’s jurisdiction, who
 23 is not otherwise accountable under subtitle III of title 31
 24 or other law, as a departmental accountable official. The
 25 Secretary may so designate those employees or members

1 who, in the performance of their duties, are responsible
2 for providing to certifying officials of the Department of
3 Defense information, data, or services directly relied upon
4 by the certifying officials in the certification of vouchers
5 for payment.

6 “(b) PECUNIARY LIABILITY.—The Secretary of De-
7 fense may, in a designation under subsection (a), impose
8 pecuniary liability on a departmental accountable official
9 to the extent that an illegal, improper, or incorrect pay-
10 ment results from the information, data, or services which
11 that official provided to a certifying official and upon
12 which the certifying official directly relied in certifying the
13 voucher supporting that payment. The pecuniary liability
14 under this subsection of a departmental accountable offi-
15 cial for an illegal, improper, or incorrect payment is joint
16 and several with that of other officials who are pecuniarily
17 liable for such payment.

18 “(c) RELIEF FROM PECUNIARY LIABILITY.—The
19 Secretary of Defense shall relieve a departmental account-
20 able official from pecuniary liability under subsection (b)
21 if the Secretary determines that the illegal, improper, or
22 incorrect payment was not the result of fault or negligence
23 by that official.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such chapter 165 of title 10 is amend-

1 ed by inserting after the item relating to section 2773 the
 2 following new item:

“2773a. Departmental accountable officials.”.

3 **SEC. 913. FAILURE TO PARTICIPATE SATISFACTORILY; PEN-**
 4 **ALTIES.**

5 Section 16135 of title 10, United States Code, is
 6 amended by adding at the end the following new sub-
 7 section:

8 “(c)(1) Subject to paragraph (a)(2), an obligation to
 9 pay a refund to the United States under subparagraph
 10 (a)(1)(B) in an amount determined under subsection (b)
 11 is, for all purposes, a debt owed to the United States.

12 “(2) A discharge in bankruptcy under title 11 that
 13 is entered less than five years after the termination of an
 14 enlistment or other agreement under this section does not
 15 discharge the person signing such enlistment or other
 16 agreement from a debt arising under the enlistment or
 17 agreement, respectively, of this subsection.”.

18 **TITLE X—GENERAL PROVISIONS**
 19 **Subtitle A—Financial Matters**

20 **SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE**
 21 **BUDGET REQUEST FOR PROCUREMENT OF**
 22 **RESERVE EQUIPMENT.**

23 Section 114(e) of title 10, United States Code, is re-
 24 pealed.

1 **SEC. 1002. TRANSFER OF FUNDS WITHIN ACQUISITION PRO-**
2 **GRAMS; PROCEDURES AND LIMITATIONS.**

3 Section 2214 of title 10, United States Code, is
4 amended—

5 (1) by redesignating subsections (b), (c), and
6 (d) as subsections (c), (d), and (e), respectively; and

7 (2) by inserting after subsection (a) the fol-
8 lowing new subsection (b):

9 “(b) **LIMITED TRANSFER AUTHORITY.**—The Sec-
10 retary of Defense may transfer amounts provided in ap-
11 propriation Acts for procurement to amounts in appro-
12 priations Acts for research, development, test, and evalua-
13 tion within individual acquisition category I and II pro-
14 grams not to exceed \$250 million per year and \$20 million
15 per acquisition program. A transfer for the purpose of ini-
16 tiating research, development, testing, or evaluation of a
17 new program or system is prohibited. The transfer author-
18 ity provided in this subsection is in addition to any other
19 transfer authority available to the Secretary of Defense.”.

20 **SEC. 1003. REIMBURSEMENT FOR RESERVE INTELLIGENCE**
21 **SUPPORT.**

22 (a) **IN GENERAL.**—Chapter 1003 of title 10, United
23 States Code, is amended by adding at the end the fol-
24 lowing new section:

1 **“§ 10115. Reimbursement for reserve intelligence sup-**
 2 **port**

3 “The Secretary of Defense or the Secretary con-
 4 cerned may reimburse a Reserve or National Guard unit
 5 or organization for the pay, allowances, or other expenses
 6 incurred by the Reserve or National Guard unit or organi-
 7 zation when a member of the Reserve or National Guard
 8 unit or organization provides intelligence support, counter-
 9 intelligence support, or intelligence and counterintelligence
 10 support to Combatant Commands, Defense Agencies, and
 11 Joint Intelligence Activities, including but not limited to
 12 the activities and programs within the National Foreign
 13 Intelligence Program, the Joint Military Intelligence Pro-
 14 gram, and the Tactical Intelligence and Related Activities.
 15 Reimbursement shall be paid out of funds available for
 16 operations and maintenance of the military departments,
 17 combatant commands, or Defense Agencies.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of such chapter is amended by adding
 20 at the end the following new item:

“10115. Reimbursement for reserve intelligence support.”.

21 **SEC. 1004. AUTHORITY TO WAIVE REIMBURSEMENT OF**
 22 **ASIA-PACIFIC CENTER FOR SECURITY STUD-**
 23 **IES CHARGES.**

24 (a) WAIVER OF CHARGES.—The Secretary of Defense
 25 may waive reimbursement of the costs of conferences, sem-

1 inars, courses of instruction, or similar educational activi-
 2 ties of the Asia-Pacific Center for Security Studies for
 3 military officers and civilian officials of foreign nations of
 4 the Asia-Pacific region if the Secretary determines that
 5 attendance by such personnel, without reimbursement, is
 6 in the national security interest of the United States.

7 (b) FUNDING.—Costs for which reimbursement is
 8 waived pursuant to paragraph (1) shall be paid from ap-
 9 propriations available for the Asia-Pacific Center for Secu-
 10 rity Studies.

11 **SEC. 1005. CROSS-FISCAL YEAR COOPERATIVE AGREE-**
 12 **MENTS FOR ENVIRONMENTAL PURPOSES.**

13 (a) CROSS-FISCAL YEAR ENVIRONMENTAL COOPER-
 14 ATIVE AGREEMENTS.—Section 2410a of title 10, United
 15 States Code, is amended—

16 (1) in subsection (a)—

17 (A) by striking “contract for procurement”
 18 and inserting “contract, or a cooperative agree-
 19 ment entered into under section 2701(d) of this
 20 title, for procurement”;

21 (B) by striking “the next” and inserting
 22 “another”;

23 (C) by striking “period of the contract”
 24 and inserting “period of the contract or the co-
 25 operative agreement”; and

1 (D) by striking “contract period does not
 2 exceed one year” and inserting “contract period
 3 does not exceed one year and the cooperative
 4 agreement period does not exceed two years”;
 5 and

6 (2) in subsection (2), by striking the period and
 7 inserting “or of a cooperative agreement entered
 8 into under section 2701(d) of this title.”.

9 (b) USE OF FUNDS FROM ENVIRONMENTAL AC-
 10 COUNTS.—Section 2703(b)(1) of such title 10 is
 11 amended—

12 (1) in subparagraph (A), by striking “and” fol-
 13 lowing the semicolon; and

14 (2) in subparagraph (B) by—

15 (A) striking the period and inserting
 16 “; and”; and

17 (B) adding at the end thereof the following
 18 new subparagraph:

19 “(C) to reimburse, for services provided
 20 under cooperative agreements entered into
 21 under section 2701(d) of this title, any depart-
 22 ment, agency, instrumentality or entity of—

23 “(i) the United States;

24 “(ii) any State, District, common-
 25 wealth, territory or possession of the

1 United States, or political subdivision
 2 thereof; or
 3 “(iii) Indian tribe.”.

4 (c) CONFORMING AMENDMENTS.—(1) The section
 5 heading for section 2410a of such title 10 is amended by
 6 inserting “**and environmental cooperative**
 7 **agreements**” after “**contracts**”.

8 (2) The table of sections for chapter 141 of such title
 9 10 is amended by amending the item relating to section
 10 2410a to read as follows:

“2410a. Severable service contracts and environmental cooperative agreements
 crossing fiscal years.”.

11 **Subtitle B—Repeal and Revision of** 12 **Various Reporting Requirements**

13 **SEC. 1011. REPEAL OF VARIOUS REPORTS REQUIRED OF** 14 **THE DEPARTMENT OF DEFENSE.**

15 (a) PROVISIONS OF TITLE 10.—Title 10, United
 16 States Code, is amended—

17 (1) in section 117—

18 (A) by striking subsection (e); and

19 (B) by redesignating subsection (f) as sub-
 20 section (e);

21 (2) in section 129, by striking subsection (f);

22 (3) in chapter 7—

23 (A) section 183 is repealed; and

1 (B) the table of sections for such chapter
2 7 is amended by striking the item relating to
3 section 183;

4 (4) in chapter 9—

5 (A) section 226 is repealed;

6 (B) section 230 is repealed; and

7 (C) the table of sections for such chapter
8 9 is amended by striking the items relating to
9 sections 226 and 230;

10 (5) in chapter 23—

11 (A) sections 482, 483, 484, and 487 are
12 repealed; and

13 (B) the table of sections for such chapter
14 23 is amended by striking the items relating to
15 sections 482, 483, 484, and 487;

16 (6) in section 526—

17 (A) by striking subsection (c); and

18 (B) by redesignating subsection (d) as sub-
19 section (c);

20 (7) in section 721(d)—

21 (A) by striking paragraph (2); and

22 (B) by striking the designator “(1)” pre-
23 ceding the remaining matter;

24 (8) in section 986, by striking subsection (e);

25 (9) in section 1095(g)—

1 (A) by striking paragraph (2); and

2 (B) by striking the designator “(1)” pre-
3 ceding the remaining matter;

4 (10) in section 1557—

5 (A) by striking subsection (e); and

6 (B) by redesignating subsection (f) as sub-
7 section (e);

8 (11) in chapter 80—

9 (A) section 1563 is repealed; and

10 (B) the table of sections for such chapter
11 80 is amended by striking the item relating to
12 section 1563;

13 (12) in section 1597, by striking subsections (c)
14 through (e);

15 (13) in section 1798, by striking subsection (d);

16 (14) in section 1799, by striking subsection (d);

17 (15) in section 2010—

18 (A) by striking subsection (b); and

19 (B) by redesignating subsections (c) and
20 (d) as subsections (b) and (c), respectively;

21 (16) in section 2011, by striking subsection (e);

22 (17) in section 2208(j)(2), by striking “and no-
23 tifies Congress regarding the reasons for the waiv-
24 er”;

25 (18) in section 2220—

1 (A) by striking subsections (b) and (c);
 2 and

3 (B) by striking “(a) ESTABLISHMENT OF
 4 GOALS.—”;
 5 (19) in section 2255(b)—

6 (A) by striking paragraph (2); and

7 (B) by striking the designator “(1)” after
 8 the catchline;
 9 (20) in chapter 136—

10 (A) section 2282 is repealed; and

11 (B) the table of sections for such chapter
 12 136 is amended by striking the item relating to
 13 section 2282;

14 (21) in section 2327(c)(1)—

15 (A) in subparagraph (A), by striking
 16 “after the date on which such head of an agen-
 17 cy submits to Congress a report on the con-
 18 tract” and inserting “if in the best interests of
 19 the government”;

20 (B) by striking subparagraph (B); and

21 (C) by redesignating subparagraph (C) as
 22 subparagraph (B);

23 (22) in section 2350a—

24 (A) in subsection (f)—

25 (i) by striking paragraph (1);

- 1 (ii) by amending the catchline to read
- 2 “REPORT TO CONGRESS.—”; and
- 3 (iii) by striking the designator “(2)”
- 4 that precedes the remaining matter; and
- 5 (B) in subsection (g), by striking para-
- 6 graph (4);
- 7 (23) in section 2350f—
- 8 (A) by striking subsection (c); and
- 9 (B) by redesignating subsection (d) as sub-
- 10 section (c);
- 11 (24) in section 2350k, by striking subsection
- 12 (d);
- 13 (25) in section 2367(d)—
- 14 (A) by striking paragraph (1); and
- 15 (B) by striking the designator “(2)” that
- 16 precedes the remaining matter after the catch-
- 17 line;
- 18 (26) in section 2391—
- 19 (A) by striking subsection (c); and
- 20 (B) by redesignating subsections (d) and
- 21 (e) as subsections (c) and (d), respectively;
- 22 (27) in section 2399—
- 23 (A) by striking subsection (g); and
- 24 (B) by redesignating subsection (h) as sub-
- 25 section (g);

1 (28) in section 2401—

2 (A) by striking subsection (b);

3 (B) by designating subsections (c) through
4 (f) as subsections (b) through (e), respectively;
5 and

6 (C) in subsection (a), by striking “only as
7 provided in subsection (b)” both times such
8 phrase appears in the subsection;

9 (29) in section 2410i(c), by striking the last
10 sentence;

11 (30) in section 2457—

12 (A) by striking subsection (d); and

13 (B) by redesignating subsections (e) and
14 (f) as subsections (d) and (e), respectively;

15 (31) in section 2464(b), by striking paragraph
16 (3);

17 (32) in section 2486(b)(12), by striking all
18 after “the Secretary of Defense may prescribe” and
19 inserting a period;

20 (33) in section 2492, by striking subsection (c);

21 (34) in section 2493, by striking subsection (g);

22 (35) in chapter 148—

23 (A) section 2504 is repealed;

1 (B) the table of sections for such chapter
2 148 is amended by striking the item relating to
3 section 2504;

4 (36) in section 2537—

5 (A) by striking subsection (b); and

6 (B) by redesignating subsection (c) as sub-
7 section (b);

8 (37) in section 2563(c)(2), by striking “and no-
9 tifies Congress regarding the reasons for the waiv-
10 er”;

11 (38) in section 2611—

12 (A) by striking subsection (e); and

13 (B) by redesignating subsection (f) as sub-
14 section (e);

15 (39) in section 2631(b)(3), by striking the last
16 sentence;

17 (40) in section 2662—

18 (A) by striking subsection (e);

19 (B) by redesignating subsections (f) and
20 (g) as subsections (e) and (f), respectively; and

21 (C) in subsection (f), as redesignated by
22 subparagraph (B), by striking “, and the re-
23 porting requirement set forth in subsection (e)
24 must not apply with respect to a real property

1 transaction otherwise covered by that sub-
 2 section,”;

3 (41) in section 2667—

4 (A) by striking paragraph (3); and

5 (B) by redesignating paragraphs (4) and
 6 (5) as paragraphs (3) and (4), respectively:

7 (42) in section 2676(d), by striking all after “is
 8 approved by the Secretary concerned” and inserting
 9 a period;

10 (43) in section 2688—

11 (A) by striking subsection (e);

12 (B) by redesignating subsections (f)
 13 through (i) as subsections (e) through (h), re-
 14 spectively; and

15 (C) in subsection (f), as redesignated by
 16 subparagraph (B), by striking the last sentence;

17 (44) in section 2696—

18 (A) by striking subsections (c) and (d);

19 and

20 (B) by redesignating subsection (e) as sub-
 21 section (c);

22 (45) in section 2805(b)—

23 (A) by striking paragraph (2); and

24 (B) by striking the designator “(1)” that
 25 precedes the remaining matter;

1 (46) in section 2807—

2 (A) by striking subsection (b); and

3 (B) by redesignating subsections (c) and
4 (d) as subsections (b) and (c), respectively;

5 (47) in section 2809, by striking subsection (f);

6 (48) in section 2812(c)—

7 (A) by striking paragraph (1);

8 (B) by striking the designator “(2)” that
9 precedes the remaining matter;

10 (49) in section 2813, by striking subsection (c);

11 (50) in section 2827—

12 (A) by striking subsection (b); and

13 (B) by striking “(a) Subject to subsection
14 (b), the Secretary” and inserting “The Sec-
15 retary”;

16 (51) in section 2828—

17 (A) by striking subsection (f); and

18 (B) by redesignating subsection (g) as sub-
19 section (f);

20 (52) in section 2835—

21 (A) by striking subsection (b);

22 (B) by redesignating subsections (c)
23 through (h) as subsections (b) through (g), re-
24 spectively; and

1 (C) in subsection (a), by striking “Subject
 2 to subsection (b), the Secretary” and inserting
 3 “The Secretary”;

4 (53) in section 2836—

5 (A) by striking subsection (b);

6 (B) by redesignating subsections (c)
 7 through (g) as subsections (b) through (f), re-
 8 spectively; and

9 (C) in subsection (a), by striking “Subject
 10 to subsection (b), the Secretary” and inserting
 11 “The Secretary”;

12 (54) in section 2837—

13 (A) in subsection (c)—

14 (i) by striking paragraph (2); and

15 (ii) by striking the designator “(1)”
 16 after the catchline and preceding the re-
 17 maining matter;

18 (B) by striking subsection (f); and

19 (C) by redesignating subsections (g) and
 20 (h) as subsections (f) and (g);

21 (55) in section 2867, by striking subsection (c);

22 (56) in section 4416, by striking subsection (f);

23 (57) in section 5721(f)—

24 (A) by striking paragraph (2); and

1 (B) by striking the designator “(1)” after
 2 the catchline and preceding the remaining mat-
 3 ter;
 4 (58) in section 9356—

5 (A) by striking subsection (c);

6 (B) by redesignating subsections (d) and
 7 (e) as subsections (c) and (d), respectively; and

8 (C) in subsection (a), by striking “Subject
 9 to subsection (c), the Secretary” and inserting
 10 “The Secretary”; and
 11 (59) in section 12302—

12 (A) in subsection (b), by striking the last
 13 sentence; and

14 (B) by striking subsection (d).

15 (b) DEFENSE ACQUISITION IMPROVEMENT ACT OF
 16 1986.—Section 908 of the Defense Acquisition Improve-
 17 ment Act of 1986 (10 U.S.C. 2326 note) is amended by
 18 striking subsection (b).

19 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR
 20 FISCAL YEAR 1994.—Section 542 of the National Defense
 21 Authorization Act for Fiscal Year 1994 (Public Law 103–
 22 160; 107 Stat. 1659; 10 U.S.C. 113 note) is repealed.

23 (d) NATIONAL DEFENSE AUTHORIZATION ACT FOR
 24 FISCAL YEAR 1995.—Section 553(b) of the National De-
 25 fense Authorization Act for Fiscal Year 1995 (Public Law

1 103–337; 108 Stat. 2772; 10 U.S.C. 6951 note) is amend-
 2 ed by striking the last sentence.

3 (e) BALLISTIC MISSILE DEFENSE ACT OF 1995.—
 4 Section 234 of the Ballistic Missile Defense Act of 1995
 5 (Public Law 104–106; 110 Stat. 229, 231; 10 U.S.C.
 6 2431 note) is amended by striking subsection (f).

7 (f) FLOYD D. SPENCE NATIONAL DEFENSE AU-
 8 THORIZATION ACT FOR FISCAL YEAR 2001.—Section
 9 1006 of the Floyd D. Spence National Defense Authoriza-
 10 tion Act for Fiscal Year 2001 (Public Law 106–398 Ap-
 11 pendix; 114 Stat. 1654A–247; 10 U.S.C. 2226 note) is
 12 amended by striking subsection (c).

13 (g) DEPARTMENT OF DEFENSE APPROPRIATIONS
 14 ACT, 2001.—Section 8019 of the Department of Defense
 15 Appropriations Act, 2001 (Public Law 106–259; 114 Stat.
 16 678; 10 U.S.C. 2687 note) is amended by striking the last
 17 sentence.

18 (h) MILITARY CONSTRUCTION APPROPRIATIONS ACT,
 19 2001.—Section 125 of the Military Construction Appro-
 20 priations Act, 2001 (Division A of Public Law 106–246;
 21 114 Stat. 517; 10 U.S.C. 2782 note) is repealed.

22 **SEC. 1012. FREQUENCY OF CERTAIN SURVEYS; SECTION 481**
 23 **OF TITLE 10.**

24 (a) IN GENERAL.—Section 481 of title 10, United
 25 States Code, is amended—

1 (1) in subsection (a), by striking “an annual
 2 survey” and inserting “a survey not less than once
 3 every four years”;

4 (2) in subsection (b)—

5 (A) by striking “annual”;

6 (B) by striking “the entity” and inserting
 7 “an entity”; and

8 (C) by inserting a period after “Depart-
 9 ment of Defense” and striking the remainder of
 10 the sentence;

11 (3) in subsection (c), by striking “annual”; and

12 (4) in the catchline for the section by striking
 13 “**annual**”.

14 (b) CLERICAL AMENDMENT.—In the table of sections
 15 for chapter 23 of such title 10, in the item relating to
 16 section 481, by striking “annual”.

17 **SEC. 1013. QUADRENNIAL DEFENSE REVIEW.**

18 Section 118(a) of title 10, United States Code, is
 19 amended by striking “during a year” and inserting “dur-
 20 ing the second year”.

21 **Subtitle C—Other Matters**

22 **SEC. 1021. EXPLOSIVES SAFETY BOARD.**

23 (a) CLARIFICATION OF AUTHORITY.—Section 172 of
 24 title 10, United States Code, is amended—

1 (1) in the title by striking “Ammunition stor-
2 age” and inserting “Explosives safety”;

3 (2) by amending subsection (a) to read as fol-
4 lows:

5 “(a)(1) The Secretary of Defense is responsible for
6 ensuring the explosives safety of those military munitions
7 under his control.

8 “(2) The Secretary may address such safety, as di-
9 rected in paragraph (1), through a joint explosives safety
10 board.”; and

11 (3) in subsection (b), by striking “Secretaries of
12 the military departments in carrying out the rec-
13 ommendations in House Document No. 199 of the
14 Seventieth Congress” and inserting “Secretary of
15 Defense and other Department of Defense compo-
16 nents in implementing explosives safety standards”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 is amended by striking the item that refers to section 272
19 and inserting:

“272. Explosives safety board.”.

20 **SEC. 1022. AUTHORIZE ARMY AND AIR FORCE TO PROVIDE**
21 **BASE OPERATING SUPPORT TO FISHER**
22 **HOUSES.**

23 Section 2493(f) of title 10, United States Code, is
24 amended to read as follows:

1 “(f) BASE OPERATING SUPPORT.—The Secretary of
 2 a military department may provide base operating support
 3 for Fisher Houses associated with the military depart-
 4 ment.”.

5 **SEC. 1023. ELIGIBILITY OF INTELLIGENCE SENIOR-LEVEL**
 6 **EMPLOYEES FOR PRESIDENTIAL RANK**
 7 **AWARDS.**

8 Section 1607 of title 10, United States Code, is
 9 amended by adding at the end the following new sub-
 10 section:

11 “(c) AWARD OF RANK TO INTELLIGENCE SENIOR
 12 LEVEL EMPLOYEES.—The President, based on the rec-
 13 ommendations of the Secretary of Defense, may award a
 14 rank referred to in section 4507a of title 5 to Intelligence
 15 Senior Level employees. The award of such rank shall be
 16 made in a manner consistent with the provisions of that
 17 section.”.

18 **SEC. 1024. SECURITY OF DEPARTMENT OF DEFENSE**
 19 **TRANSPORTATION OPERATIONS.**

20 (a) TITLE 10 AUTHORITY.—

21 (1) Chapter 157 of title 10, United States
 22 Code, is amended by inserting after section 2646 the
 23 following new section:

1 **“§ 2647. Security of arms, ammunition, and explosives**
2 **shipments within the United States, its**
3 **territories, and possessions**

4 “(a) SECRETARY OF DEFENSE RESPONSIBILITY.—
5 The Secretary of Defense has primary responsibility for
6 the protection of shipments by the Department of Defense,
7 and its contractors, of arms, ammunition, and explosives
8 within the United States, its territories, and possessions.

9 “(b) USE OF ARMED ESCORTS.—The Secretary of
10 Defense may use armed escorts, as appropriate, to include
11 shipments by air, water, rail, road, or similar such modes
12 of transportation, for the protection of arms, ammunition,
13 and explosives shipments by the Department of Defense,
14 and its contractors, within the United States, its terri-
15 tories, and possessions. In addition to existing authority,
16 such escorts may be conducted by employees of the De-
17 partment of Defense and contractors or subcontractors of
18 the Department of Defense.

19 “(c) INAPPLICABILITY OF STATE AND LOCAL
20 LAWS.—Armed escorts providing security for Department
21 of Defense arms, ammunition, and explosives shipments
22 are not subject to State and local laws relating to the pos-
23 session, use, and licensing of weapons employed while per-
24 forming armed escort functions. Such escorts, while on
25 duty, are authorized to carry firearms, to arrest individ-
26 uals committing Federal crimes in their presence, and to

1 exercise limited law enforcement powers as necessary to
 2 fulfill this responsibility.

3 “(d) REGULATIONS.—The authority provided for in
 4 this section may be exercised only pursuant to regulations
 5 prescribed by the Secretary of Defense and approved by
 6 the Attorney General. The regulations shall include proce-
 7 dures for the selection, training, use, and oversight of
 8 armed escorts.”.

9 (2) The table of sections at the beginning of
 10 such chapter 157 is amended by inserting after the
 11 item relating to section 2646 the following new item:

“2647. Security of arms and munitions shipments within the United States, its
 territories, and possessions.”.

12 (b) THE AVIATION AND TRANSPORTATION SECURITY
 13 ACT.—Section 132 of the Aviation and Transportation Se-
 14 curity Act (Public Law 107–71; 115 Stat. 635) is
 15 amended—

16 (1) by amending the title to read as follows:

17 **“SEC. 132. GENERAL AVIATION, AIR CHARTERS, AND**
 18 **ARMED FORCES ACTIVITIES.”;**

19 and

20 (2) by inserting after subsection (b) the fol-
 21 lowing new subsection:

22 **“(c) EXEMPTION FOR AIRCRAFT CHARTERED OR**
 23 **UNDER CONTRACT TO PROVIDE TRANSPORTATION TO**
 24 **THE ARMED FORCES.**—The provisions of this Act shall

1 not apply to the operation of, or to the passengers and
 2 property carried by aircraft when employed to provide
 3 charter transportation to the armed forces, except for an
 4 operation to or from an airport described in section
 5 44903(b) of title 49, United States Code. For an operation
 6 to or from an airport described in section 44903(c) of such
 7 title 49, the screening and passenger manifest provisions
 8 of this Act shall not apply to passengers and property
 9 loaded onto such aircraft. The Secretary of Defense, in
 10 consultation with the Secretary of Transportation, shall
 11 establish security procedures relating to the operation of
 12 such aircraft to or from an airport described in section
 13 44903(c) of such title 49.”.

14 **SEC. 1025. AMENDMENT TO AUTHORITY FOR ACCEPTANCE**
 15 **BY ASIA-PACIFIC CENTER FOR SECURITY**
 16 **STUDIES OF FOREIGN GIFTS AND DONA-**
 17 **TIONS.**

18 (a) IN GENERAL.—Section 2611 of title 10, United
 19 States Code, is amended—

20 (1) in the section heading, by striking “**for-**
 21 **eign**”;

22 (2) in subsection (a)—

23 (A) in the catchline, by striking “FOR-
 24 EIGN”;

25 (B) in paragraph (1)—

1 (i) by striking “foreign”; and

2 (ii) by adding at the end the following

3 new sentence:

4 “Such donations may be accepted from any agency
5 of the Federal Government, any State or local gov-
6 ernment, any foreign government, any foundation or
7 other charitable organization (including any that is
8 organized or operates under the laws of a foreign
9 country), or any other private source in the United
10 States or a foreign country.”;

11 (3) in subsection (c), by striking “foreign”; and

12 (4) by striking subsection (f).

13 (b) CLERICAL AMENDMENT.—The table of sections
14 for chapter 155 of such title 10 is amended with regard
15 to the item that refers to section 2611 by striking “for-
16 eign”.

17 **TITLE XI—MATTERS RELATING** 18 **TO OTHER NATIONS**

19 **SEC. 1101. EXPANSION OF AUTHORITY TO CONDUCT THE** 20 **ARCTIC MILITARY ENVIRONMENTAL CO-** 21 **OPERATION PROGRAM.**

22 (a) IN GENERAL.—Subchapter II of chapter 138 of
23 title 10, United States Code, is amended by adding at the
24 end the following new section:

1 **“§ 23501. Arctic and Western Pacific military environ-**
2 **mental cooperation program**

3 “(a) COOPERATIVE ENVIRONMENTAL PROGRAM.—
4 Subject to subsection (b), the Secretary of Defense, with
5 the concurrence of the Secretary of State, may conduct
6 an Arctic and Western Pacific military environmental co-
7 operation program.

8 “(b) ACTIVITIES UNDER PROGRAM.—(1) Subject to
9 paragraph (2), activities under an Arctic and Western Pa-
10 cific military environmental cooperation program as au-
11 thorized in subsection (a) shall include cooperative and as-
12 sistance activities on environmental matters in the Arctic
13 and Western Pacific regions with the military departments
14 and agencies of other countries, including the Russian
15 Federation.

16 “(2) Activities under the Arctic and Western Pacific
17 Military Environmental Cooperation Program may not in-
18 clude any activities related to—

19 “(A) conducting any peacekeeping exercise or
20 other peacekeeping-related activity with Russia;

21 “(B) the provision of housing;

22 “(C) the provision of assistance to promote an
23 environmental restoration; or

24 “(D) the provision of assistance to promote job
25 retraining.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for subchapter II of chapter 138 of such title 10 is amend-
 3 ed by inserting after the item relating to section 2350k,
 4 the following new item:

“23501. Arctic and Western Pacific military environmental cooperation pro-
 gram.”.

5 (c) CONFORMING AMENDMENT.—Section 327 of the
 6 Strom Thurmond National Defense Authorization Act for
 7 Fiscal Year 1999 (Public Law No. 105–261; 112 Stat.
 8 1965), is repealed.

9 **SEC. 1102. USE OF WARSAW INITIATIVE FUNDS FOR TRAVEL**
 10 **OF OFFICIALS FROM PARTNER COUNTRIES.**

11 Section 1051 of title 10, United States Code, is
 12 amended—

13 (1) by striking subsection (b); and

14 (2) by redesignating subsections (c) and (d) as
 15 subsections (b) and (c), respectively.

16 **SEC. 1103. INSURANCE FOR VESSELS IN SUPPORT OF NATO,**
 17 **INTERNATIONAL ORGANIZATIONS, OR OTHER**
 18 **ALLIED COUNTRIES.**

19 (a) IN GENERAL.—Section 1205 of the Merchant
 20 Marine Act of 1936, (46 U.S.C. App. 1285) is amended
 21 by adding at the end the following new subsections:

22 “(c) INSURANCE OF VESSELS IN SUPPORT OF NATO,
 23 INTERNATIONAL ORGANIZATIONS, OR OTHER ALLIED
 24 COUNTRIES.—The Secretary of Transportation may pro-

1 vide insurance for vessels, regardless of registration or
2 ownership, supporting operations of an organization estab-
3 lished by a mutual defense treaty to which the United
4 States is a party, a state-party to such a treaty, an inter-
5 national organization of which the United States is a
6 member by treaty or otherwise, or a country with respect
7 to which the President determines cooperation under this
8 subsection is important to the national security of the
9 United States. Such vessels do not have to be under con-
10 tract with a department or agency of the United States.
11 If the request is made pursuant to an international agree-
12 ment providing for the sharing of risks involved in mutual
13 or joint operations, the Secretary of Transportation, with
14 the concurrence of the Secretary of State, may agree to
15 the sharing of risk agreement or any lesser obligation on
16 the part of the United States.

17 “(d) RECEIPT OF CONTRIBUTIONS.—Notwith-
18 standing the provisions of section 3302(b) of title 31,
19 United States Code, if the international agreements ref-
20 erenced in subsection (c) of this section provide for the
21 sharing of risks involved in mutual or joint operations,
22 contributions for losses incurred by the fund or financed
23 pursuant to subsection (e) below, that are received from
24 foreign entities may be deposited in the fund. Any associ-
25 ated obligation for indemnification from the requesting de-

1 partment, agency, or instrumentality of the United States
2 Government is extinguished to the extent of any contribu-
3 tions received.

4 “(e) FUNDING OF INTERNATIONAL INDEMNITY OB-
5 LIGATIONS WITH BORROWING AUTHORITY.—If at any
6 time the moneys in the insurance fund are insufficient to
7 pay an amount the Secretary is required to pay pursuant
8 to this title, the Secretary may borrow money from the
9 Treasury of the United States in such amounts as may
10 be necessary to meet such obligations authorized under
11 this title, but not to exceed \$500,000,000. Such amounts
12 borrowed from the Treasury shall have such maturities,
13 terms, and conditions as may be agreed upon by the Sec-
14 retary of Transportation and the Secretary of the Treas-
15 ury, but the maturities may not be in excess of forty years,
16 and such amounts borrowed from the Treasury may be
17 redeemable at the option of the Secretary of Transpor-
18 tation before maturity. Such amounts borrowed from the
19 Treasury shall bear interest at a rate determined by the
20 Secretary of the Treasury taking into consideration the
21 average market yield on outstanding marketable obliga-
22 tions of the United States of comparable maturities during
23 the month preceding the issuance of the obligations of the
24 Secretary. The interest payments on such obligations may
25 be deferred with the approval of the Secretary of the

1 Treasury but any interest payment so deferred shall bear
 2 interest. Said obligations shall be issued in amounts and
 3 at prices approved by the Secretary of the Treasury. The
 4 authority of the Secretary of Transportation to issue obli-
 5 gations hereunder shall remain available without fiscal
 6 year limitation. The Secretary of the Treasury is author-
 7 ized and directed to purchase any obligations of the Sec-
 8 retary of Transportation to be issued under this para-
 9 graph and for such purpose the Secretary of the Treasury
 10 is authorized to use as a public debt transaction of the
 11 United States the proceeds from the sale of any securities
 12 issued under chapter 31 of title 31, and the purposes for
 13 which securities may be issued under chapter 31 of title
 14 31 are extended to include any fulfillment of the obliga-
 15 tions of the Secretary of Transportation under this sec-
 16 tion.”.

17 (b) CLERICAL AMENDMENT.—The section heading
 18 for section 1205 of the Merchant Marine Act of 1936, (46
 19 U.S.C. App. 1285) is amended to read as follows:

“1205. Insurance of property of government departments, agencies, and Inter-
 national Organizations.”.

1 **TITLE XII—READINESS AND**
 2 **RANGE PRESERVATION INI-**
 3 **TIATIVE**

4 **SEC. 1201. READINESS AND RANGE PRESERVATION INITIA-**
 5 **TIVE.**

6 (a) IN GENERAL.—Title 10, United States Code, is
 7 amended by inserting after chapter 101 the following new
 8 chapter:

9 **“CHAPTER 101A—READINESS AND RANGE**
 10 **PRESERVATION**

“Sec.

“2015. Purpose of this chapter.

“2016. Definitions.

“2017. Military readiness and the conservation of protected species.

“2018. Conformity with State Implementation Plans for air quality.

“2019. Range management and restoration.

“2020. Agreements with private organizations to address encroachment and
 other constraints on military training, testing, and operations.

“2021. Conveyance of surplus real property for natural resource conservation
 purposes.

11 **“§ 2015. Purpose of this chapter**

12 “The purpose of this chapter is to—

13 “(1) protect the lives and well-being of citizens
 14 of the United States and preserve their freedoms,
 15 economic prosperity, and environmental heritage by
 16 ensuring military readiness;

17 “(2) ensure military readiness by addressing
 18 problems created by encroachment on military readi-
 19 ness activities and lands, marine areas, and airspace

1 reserved, withdrawn, or designated for a military
2 use;

3 “(3) reaffirm the principle that such lands, ma-
4 rine areas, and airspace exist to ensure military pre-
5 paredness;

6 “(4) shield military readiness activities and
7 lands, marine areas, and airspace reserved, with-
8 drawn, or designated for a military use, including
9 land, sea, and air training and operating areas, from
10 encroachment, while ensuring that the Department
11 of Defense fulfills its environmental stewardship re-
12 sponsibilities;

13 “(5) manage such lands, marine areas, and air-
14 space for other purposes to the extent the non-mili-
15 tary purpose does not reduce capability to support
16 military readiness activities;

17 “(6) re-establish the appropriate balance be-
18 tween military readiness and environmental steward-
19 ship; and

20 “(7) establish a framework to ensure long-term
21 sustainability of military ranges.

22 **“§ 2016. Definitions.**

23 “For purposes of this chapter:

24 “(1) The term ‘military readiness activities’ in-
25 cludes all training and operations that relate to com-

1 bat, and the adequate and realistic testing of mili-
2 tary equipment, vehicles, weapons, and sensors for
3 proper operation and suitability for combat use. The
4 term does not include the routine operation of instal-
5 lation operating support functions, such as adminis-
6 trative offices, military exchanges, commissaries,
7 water treatment facilities, storage, schools, housing,
8 motor pools, laundries, morale, welfare and recre-
9 ation activities, shops, and mess halls, nor the oper-
10 ation of industrial activities, or the construction or
11 demolition of such facilities.

12 “(2) The terms ‘combat’ or ‘combat use’ in-
13 clude all forms of armed conflict and operational em-
14 ployment as well as those support functions nec-
15 essary for armed conflict and operational employ-
16 ment, including transportation of personnel, weap-
17 ons, supplies, ammunition and other military mate-
18 rial to the vicinity of actual or potential armed con-
19 flict; intelligence gathering in support of actual or
20 potential armed conflict; command of and commu-
21 nications between military units; and similar activi-
22 ties necessary for the successful prosecution of
23 armed conflict, whether or not conducted at the
24 scene of actual conflict.

1 “(3) The term ‘the Department’ means the De-
 2 partment of Defense as defined in section 101(a)(6)
 3 of this title and the Coast Guard when it is not op-
 4 erating as a service in the Department of the Navy.

5 **“§ 2017. Military readiness and the conservation of**
 6 **protected species**

7 “(a) CRITICAL HABITAT FOR THREATENED AND EN-
 8 DANGERED SPECIES.—

9 “(1) The completion of an Integrated Natural
 10 Resources Management Plan, pursuant to the Sikes
 11 Act Improvement Act (16 U.S.C. 670a), for lands or
 12 other geographical areas owned or controlled by the
 13 Department, or designated for its use, that address-
 14 es endangered or threatened species and their habi-
 15 tat, provides the ‘special management considerations
 16 or protection’ required under the Endangered Spe-
 17 cies Act (16 U.S.C. 1532(5)(A)) and precludes des-
 18 ignation of critical habitat for any such land or geo-
 19 graphical areas under section 4 of the Endangered
 20 Species Act (16 U.S.C. 1533).

21 “(2) This subsection does not remove the re-
 22 quirement for agency consultation under section
 23 7(a)(2) of the Endangered Species Act (16 U.S.C.
 24 1536(a)(2)).

1 “(b) MIGRATORY BIRDS.—Recognizing the critical
2 importance of military readiness activities to the United
3 States and the efforts taken by the Department to avoid
4 adverse impacts on migratory birds, military readiness ac-
5 tivities of the Department are hereby authorized under the
6 Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) with-
7 out further action by the Secretary of the Interior; pro-
8 vided, the Department shall minimize taking of migratory
9 birds to the extent practical and necessary to further the
10 purposes of the Act without diminishment of military
11 training or other capabilities, as determined by the De-
12 partment.

13 “(c) MARINE MAMMALS.—For purposes of the Ma-
14 rine Mammals Protection Act of 1972 (16 U.S.C. 1361
15 et seq.) harassment from military readiness activities oc-
16 curs only when those activities—

17 “(1) injure or have the significant potential to
18 injure a marine mammal or marine mammal stock
19 in the wild;

20 “(2) disturb or are likely to disturb a marine
21 mammal or marine mammal stock in the wild by
22 causing disruption of natural behavior patterns, in-
23 cluding, but not limited to, migration, surfacing,
24 nursing, breeding, feeding, or sheltering to a point

1 where such behavioral patters are abandoned or sig-
 2 nificantly altered; or

3 “(3) are directed toward a specific individual,
 4 group, or stock of marine mammals in the wild that
 5 is likely to disturb the specific individual, group, or
 6 stock of marine mammals by disrupting behavior, in-
 7 cluding but not limited to migration, surfacing,
 8 nursing, breeding, feeding or sheltering.

9 **“§ 2018. Conformity with State Implementation Plans**
 10 **for air quality**

11 “(a) CONFORMITY WITH CLEAN AIR ACT.—In all
 12 cases in which the requirements of section 176(c) of the
 13 Clean Air Act would have applied to proposed military
 14 readiness activities, the Department shall not be prohib-
 15 ited from engaging in such military readiness activities,
 16 but shall—

17 “(1) estimate for all criteria pollutants for
 18 which the area is designated ‘nonattainment’ or
 19 ‘maintenance’ the quantity of emissions that are
 20 caused by the military readiness activities;

21 “(2) notify the State air quality planning agen-
 22 cy for the affected area of such emission estimates
 23 prior to engaging in proposed military readiness ac-
 24 tivities; and

1 “(3) ensure that military readiness activities
2 conform with the requirements of section 176(c)
3 within three years of the date new activities begin.

4 “(b) EPA APPROVAL.—Notwithstanding any other
5 provisions of law, an implementation plan or plan revision
6 required under the Clean Air Act shall be approved the
7 Administrator of the Environmental Protection Agency
8 if—

9 “(1) such plan or revision meets all the require-
10 ments applicable to it under the Clean Air Act other
11 than a requirement that such plan or revision dem-
12 onstrate attainment and maintenance of the relevant
13 national ambient air quality standards by the attain-
14 ment date specified under the applicable provision of
15 the Act, or in a regulation promulgated under such
16 provision; and

17 “(2) the submitting State established to the
18 satisfaction of the Administrator that the implemen-
19 tation plan of such State would be adequate to at-
20 tain and maintain the relevant national ambient air
21 quality standards by the attainment date specified
22 under the applicable provision of the Act, or in a
23 regulation promulgated under such provision, but for
24 emissions emanating from military readiness activi-

1 ties not otherwise meeting section 176(c) of the Act
2 pursuant to paragraph (a) of this section.

3 “(c) EFFECT ON STATE COMPLIANCE WITH OZONE
4 STANDARDS.—Notwithstanding any other provisions of
5 law, any state that establishes to the satisfaction of the
6 Administrator that, with respect to an ozone nonattain-
7 ment area in such State, such State would have attained
8 the national ambient air quality standard for ozone by the
9 applicable attainment date, but for emissions emanating
10 from military readiness activities not otherwise meeting
11 section 176(c) of the Act pursuant to paragraph (a) of
12 this section, shall not be subject to the provisions of sec-
13 tion 182(a)(2) or (5) or section 185 of the Act.

14 “(d) EFFECT ON STATE COMPLIANCE WITH CARBON
15 MONOXIDE STANDARDS.—Notwithstanding any other pro-
16 vision of law, any State that establishes to the satisfaction
17 of the Administrator, with respect to a carbon monoxide
18 nonattainment area in such State, that such State has at-
19 tained the national ambient air quality standard for car-
20 bon monoxide by the applicable attainment date, but for
21 emissions emanating from military readiness activities not
22 otherwise meeting section 176(c) of the Act pursuant to
23 paragraph (a) of this section, shall not be subject to the
24 provisions of section 186(b)(2) of the Act.

1 “(e) EFFECT ON STATE COMPLIANCE WITH PM-10
 2 STANDARDS.—Notwithstanding any other provisions of
 3 law, any State that establishes to the satisfaction of the
 4 Administrator that, with respect to a PM-10 nonattain-
 5 ment area in such State, such State would have attained
 6 the national ambient air quality standard for PM-10 by
 7 the applicable attainment date, but for emission ema-
 8 nating from military readiness activities not otherwise
 9 meeting section 176(c) of the Act pursuant to paragraph
 10 (a) of this section shall not be subject to the provisions
 11 of section 188(b)(2) of the Act.

12 **“§ 2019. Range management and restoration**

13 “(a) DEFINITION OF SOLID WASTE.—

14 (1)(A) The term ‘solid waste,’ as used in the
 15 Solid Waste Disposal Act, as amended (42 U.S.C.
 16 6901 et seq.), includes explosives, unexploded ord-
 17 nance, munitions, munition fragments, or constitu-
 18 ents thereof that—

19 “(i) are or have been deposited, incident to
 20 their normal and expected use, on an oper-
 21 ational range, and—

22 “(I) are removed from the operational
 23 range for reclamation, treatment, disposal,
 24 treatment prior to disposal, or storage
 25 prior to or in lieu of reclamation, treat-

1 ment, disposal, or treatment prior to dis-
2 posal;

3 “(II) are recovered, collected, and
4 then disposed of by burial or landfilling; or

5 “(III) migrate off an operational
6 range and are not addressed under the
7 Comprehensive Environmental Response,
8 Compensation, and Liability Act of 1980,
9 as amended (42 U.S.C. 9601 et seq.); or

10 “(ii) are deposited, incident to their normal
11 and expected use, off an operational range, and
12 are not promptly rendered safe or retrieved.

13 “(B) The explosives, unexploded ordnance, mu-
14 nitions, munitions fragments, or constituents thereof
15 defined as solid waste in subsection (a)(1)(A) shall
16 be subject to the provisions of the Solid Waste Dis-
17 posal Act, as amended, including but not limited to
18 sections 7002 and 7003, where applicable.

19 “(2) Except as set out in subsection (1), the
20 term ‘solid waste,’ as used in the Solid Waste Dis-
21 posal Act, as amended, does not include explosives,
22 unexploded ordnance, munitions, munitions frag-
23 ments, or constituents thereof that—

24 “(A) are used in training military per-
25 sonnel or explosives and munitions emergency

1 response specialists (including training in prop-
2 er destruction of unused propellant or other
3 munitions);

4 “(B) are used in research, development,
5 testing, and evaluation of military munitions,
6 weapons, or weapon systems;

7 “(C) are or have been deposited, incident
8 to their normal and expected use, on an oper-
9 ational range, except as provided in subsection
10 (a)(1)(A);

11 “(D) are deposited, incident to their nor-
12 mal and expected use, off an operational range,
13 and are promptly rendered safe or retrieved; or

14 “(E) are recovered, collected, and de-
15 stroyed on-range during range clearance activi-
16 ties at operational ranges, but not including the
17 on-range burial of unexploded ordnance and
18 contaminants when the burial is not a result of
19 product use.

20 “(b) DEFINITION OF RELEASE.—

21 (1) The term ‘release,’ as used in the Com-
22 prehensive Environmental Response, Compensation,
23 and Liability Act of 1980, as amended (42 U.S.C.
24 9601 et seq.), includes the deposit off an operational
25 range, or the migration off an operational range, of

1 any explosives, unexploded ordnance, munitions, mu-
2 nitions fragments, or constituents thereof.

3 “(2) The term ‘release,’ as used in the Com-
4 prehensive Environmental Response, Compensation,
5 and Liability Act of 1980, as amended (42 U.S.C.
6 9601 et seq.), does not include the deposit or pres-
7 ence on an operational range of any explosives,
8 unexploded ordnance, munitions, munitions frag-
9 ments, or constituents thereof that are or have been
10 deposited thereon incident to their normal and ex-
11 pected use.

12 “(3)(A) Notwithstanding the provisions of para-
13 graph (2), nothing in this section affects the author-
14 ity of the President under section 106(a) of the
15 Comprehensive Environmental Response, Compensa-
16 tion, and Liability Act of 1980, as amended (42
17 U.S.C. 9606(a)) to address an imminent and sub-
18 stantial endangerment to the public health or wel-
19 fare or the environment, including orders to test and
20 monitor.

21 “(B) Nothing in this section affects the ability
22 of a State or other person to request that the Presi-
23 dent exercise such authority under section 106(a) of
24 such Act to address an imminent and substantial

1 endangerment to the public health or welfare or the
2 environment.

3 “(4) Nothing in this section affects the author-
4 ity of the Department to protect the environment,
5 safety, and health on operational ranges.

6 **“§ 2020. Agreements with private organizations to ad-
7 dress encroachment and other con-
8 straints on military training, testing, and
9 operations**

10 “(a) AGREEMENTS.—The Secretary of a military de-
11 partment is authorized to enter into agreements with any
12 private organization that has the conservation, restora-
13 tion, or preservation of land and natural resources, or a
14 similar objective, as its state principal organizational pur-
15 pose or goal. The purpose of any agreement under this
16 section shall be to address the use or development of real
17 property in the vicinity of military installations in order
18 either—

19 “(1) to limit incompatible development or use of
20 such property, or

21 “(2) to preserve habitat so as to eliminate or
22 relieve existing or projected environmental restric-
23 tions, that otherwise may have the potential to re-
24 strict, impede, or otherwise interfere with, directly or
25 indirectly, current or future military training, test-

1 ing, or operations. Chapter 63 of title 31 shall not
 2 apply to agreements entered into under this section.

3 “(b) ACQUISITION AND ACCEPTANCE OF REAL
 4 PROPERTY.—An agreement under this section—

5 “(1) may provide for the private organization to
 6 acquire, on a cost-shared basis, all right title, and
 7 interest in real property, or any lesser estate or in-
 8 terest; as shall be required to effectuate the pur-
 9 poses of this section; and

10 “(2) with respect to any real property estate or
 11 interest so acquired, shall provide, upon request at
 12 any time, for the private organization to transfer to
 13 the United States an estate or interest in such real
 14 property. Such interest shall be limited to that inter-
 15 est necessary to permit the United States to ensure
 16 that the property is used and managed in a manner
 17 that meets the purposes of this section. The Sec-
 18 retary concerned shall determine what estate or in-
 19 terest is necessary. Notwithstanding any other provi-
 20 sion of law, the military department is authorized to
 21 accept such estate or interest in real property on be-
 22 half of the United States.

23 “(c) FUNDING.—Fund appropriated for the oper-
 24 ations and maintenance of the Department of Defense or
 25 of any military department, including funds appropriated

1 to support the Legacy Resources Management Program,
 2 may be made available to execute any agreements entered
 3 into under this section. For installations or facilities oper-
 4 ated primarily with funds appropriated for research, devel-
 5 opment, testing, and evaluation, those funds may be used
 6 in lieu of funds appropriated for operations and mainte-
 7 nance.

8 “(d) ADDITIONAL TERMS AND CONDITIONS.—The
 9 Secretary may require such additional terms and condi-
 10 tions in the agreements authorized by this section as the
 11 Secretary considers appropriate to protect the interests of
 12 the United States. Real property may not be acquired
 13 under this subsection unless the owner of the property
 14 consents to the acquisition. The Secretary may accept ap-
 15 praisals or title documents prepared or adopted by a non-
 16 Federal entity as satisfying the applicable requirements of
 17 section 213 of the Uniform Relocation Act Amendments
 18 of 1987 (42 U.S.C. 4651) or the Act of September 1, 1970
 19 (84 Stat. 835; 40 U.S.C. 255) where the Secretary finds
 20 the appraisals or title documents substantially comply with
 21 Federal standards.

22 **“§ 2021. Conveyance of surplus real property for nat-**
 23 **ural resource conservation purposes**

24 “(a) AUTHORITY TO CONVEY.—The Secretary of a
 25 military department, in his sole discretion, may convey

1 surplus real property under its jurisdiction that is suitable
2 and desirable for conservation purposes to any state or
3 local government, or instrumentality thereof, or nonprofit
4 organization that exists for the primary purpose of con-
5 servation of natural resources on real property. This au-
6 thority shall only apply to surplus real property that the
7 disposing agency has certified has been made available for
8 public benefit transfer, has been available for a sufficient
9 time to potential claimants and for which there is no pend-
10 ing request for transfer to another federal agency or for
11 conveyance to any other qualified recipient for public ben-
12 efit transfer, under the real property disposal processes
13 and authorities established pursuant to the Federal Prop-
14 erty and Administrative Services Act of 1949 (40 U.S.C.
15 471, et seq.). The consideration for such conveyance shall
16 be determined by the Secretary pursuant to subsection (e).

17 “(b) DEED REQUIREMENTS.—The deed of convey-
18 ance of any surplus real property disposed of under this
19 subsection—

20 “(1) shall provide that all such property shall
21 be used and maintained for the conservation of nat-
22 ural resources in perpetuity, and that in the event
23 that such property ceases to be used or maintained
24 for such purpose during such period, all or any por-
25 tion of such property shall in its then existing condi-

1 tion, at the option of the United States, revert to the
2 United States;

3 “(2) may permit the grantee to convey the
4 property to another eligible entity; provided the Sec-
5 retary of the military department approves the con-
6 veyance in writing and the property shall be subject
7 to the same covenants and terms and conditions as
8 provided in the deed from the United States;

9 “(3) may permit incidental revenue-producing
10 activities that are compatible with the use of the
11 property for conservation purposes;

12 “(4) may contain such additional terms, res-
13 ervation, restrictions and conditions as may be de-
14 termined by the Secretary to safeguard the interests
15 of the United States.

16 “(c) RELEASE OF COVENANTS.—The Secretary, with
17 the concurrence of the Secretary of Interior, may grant
18 a release from the covenant described in subsection (b)
19 on the condition that the grantee pay the fair market
20 value, as determined by the Secretary, of the property at
21 the time of the release of the covenant. The Secretary may
22 reduce the amount owed for release of such covenant tak-
23 ing into account the value of the natural resource con-
24 servation benefit that has accrued during the period of the

1 conveyance and which benefit was not previously taken
2 into account in (a).

3 “(d) LIMITATIONS.—Such conveyance shall not be
4 used in settlement of any litigation, dispute, or claim
5 against the United States, nor as a condition of allowing
6 any defense activity under any Federal, State, or local per-
7 mitting or review process. The Secretary may use such
8 conveyances, with the restrictions set forth in subsection
9 (b), to establish mitigation banks outside the context of
10 being a condition imposed by any Federal, State, or local
11 regulatory body for granting a permit, completion of re-
12 view, or otherwise granting permission for a proposed mili-
13 tary action other than establishment of a mitigation bank.

14 “(e) CONSIDERATION.—In fixing the consideration
15 for the property or in determining the amount of any re-
16 duction of the fair market value owed for the release of
17 the covenant under subsection (c), the Secretary of the
18 military department shall take into consideration any ben-
19 efit that has accrued or may accrue to the United States
20 from the use of such property for the conservation of nat-
21 ural resources.

22 “(f) REAL PROPERTY DECLARED SURPLUS AS A RE-
23 SULT OF A BASE CLOSURE LAW.—The Secretary con-
24 cerned may not dispose of any real property declared sur-
25 plus as a result of a base closure law under this section

1 in a manner inconsistent with the requirements and pref-
 2 erences established under a base closure law.

3 “(g) DEFINITIONS.—For purposes of this section:

4 “(1) The term ‘States’ includes the District of
 5 Columbia, the Commonwealth of Puerto Rico, the
 6 Commonwealth of the Northern Marianas and the
 7 territories and possessions of the United States.

8 “(2) The term ‘base closure law’ means the De-
 9 fense Authorization Amendments and Base Closure
 10 and Realignment Act of 1988 (Public Law 100–
 11 526), the Defense Base Closure and Realignment
 12 Act of 1990 (Public Law 101–510), or similar base
 13 closure authority.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) AGREEMENTS WITH NONPROFIT CONSERVA-
 16 TION NATURAL RESOURCE ORGANIZATIONS.—Section
 17 2701(d) of such title 10 is amended—

18 (A) in paragraph (1), by inserting “or non-
 19 profit conservation organization” after “any In-
 20 dian tribe”; and

21 (B) in paragraph (3), by adding at the end
 22 the following sentence:

23 “The term ‘conservation organization’ as used in
 24 this section means non-governmental nonprofit orga-

1 nizations that exist for the primary purpose of con-
 2 serving open space or natural resources.”.

3 (2) ACCEPTANCE OF FUNDS TO COVER ADMIN-
 4 ISTRATIVE EXPENSES.—Section 2695(b) of such
 5 title 10 is amended by adding at the end the fol-
 6 lowing new paragraph:

7 “(4) The conveyance of real property under sec-
 8 tion 2669a of this title.”.

9 (c) CLERICAL AMENDMENT.—The table of chapters
 10 at the beginning of such title 10 is amended by inserting
 11 after the item relating to chapter 101 the following new
 12 item:

“101a. Readiness and Range Preservation 2015”.

13 **DIVISION B—MILITARY CON-**
 14 **STRUCTION AUTHORIZA-**
 15 **TIONS**

Section 2001. Short title.

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification to carry out certain fiscal year 2002 projects.
- Sec. 2106. Modification to carry out certain fiscal year 2000 project.
- Sec. 2107. Modification to carry out certain fiscal year 1999 project.
- Sec. 2108. Modification to carry out certain fiscal year 1997 project.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification to carry out certain fiscal year 2002 project.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES.

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF
AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 2000 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1999 projects.
- Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction and Military Family Housing

- Sec. 2801. Alternative Authority for Acquisition and Improvement of Military Housing.
- Sec. 2802. Repeal of Source Requirements for Overseas Family Housing Construction.

Subtitle B—Real Property and Facilities Administration

- Sec. 2803. Conveyance of Surplus Real Property for Natural Resource Conservation Purposes.
- Sec. 2804. Relief from McKinney-Vento Act Screening Requirements.
- Sec. 2805. Leasing of Military Family Housing in Korea.
- Sec. 2806. Program on Reduction in Long-term Facility Maintenance Costs.
- Sec. 2807. Boundary Channel Drive Site Land Acquisition, Arlington, Virginia.
- Sec. 2808. Agreements With Private Organizations to Address Encroachment and Other Constraints on Military Training, Testing, and Operations.
- Sec. 2809. Authority to Convey Certain Lands in Alaska No Longer Needed for National Guard Purposes.

Sec. 2810. Environmental Restoration Project.

1 SEC. 2001. SHORT TITLE.

2 This division may be cited as the “Military Construc-
3 tion Authorization Act for Fiscal Year 2003”.

4 TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification to carry out certain fiscal year 2002 projects.

Sec. 2106. Modification to carry out certain fiscal year 2000 project.

Sec. 2107. Modification to carry out certain fiscal year 1999 project.

Sec. 2108. Modification to carry out certain fiscal year 1997 project.

5 SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
6 ACQUISITION PROJECTS.

7 (a) INSIDE THE UNITED STATES.—Using amounts
8 appropriated pursuant to the authorization of appropria-
9 tions in section 2104(a)(1), the Secretary of the Army
10 may acquire real property and carry out military construc-
11 tion projects for the installations and locations inside the
12 United States, and in the amounts, set forth in the fol-
13 lowing table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	\$1,900,000
Alaska	Fort Wainwright	\$110,100,000
Arkansas	Pine Bluff Arsenal	\$18,937,000
Colorado	Fort Carson	\$1,100,000
Georgia	Fort Benning	\$66,250,000
	Fort Stewart/Hunter Army Air Field.	\$26,000,000
Hawaii	Schofield Barracks	\$191,000,000
Kansas	Fort Riley	41,000,000
Kentucky	Blue Grass Army Depot	\$5,500,000
	Fort Campbell	\$99,000,000
Louisiana	Fort Polk	\$31,000,000
Maryland	Fort Detrick	19,700,000
Missouri	Fort Leonard Wood	\$15,500,000

Army: Inside the United States—Continued

State	Installation or location	Amount
New York	Fort Drum	\$1,500,000
North Carolina	Fort Bragg	\$67,500,000
Pennsylvania	Letterkenny Army Depot	\$1,550,000
Texas	Fort Hood	\$45,000,000
Washington	Fort Lewis	\$53,800,000
	Total	\$796,337,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Belgium	SHAPE	\$13,600,000
Germany	Area Support Group, Bamberg	\$17,200,000
	Darmstadt	\$3,500,000
	Grafenwoehr	\$69,866,000
	Mannheim	\$42,000,000
	Schweinfurt	\$2,000,000
Italy	Vicenza	\$34,700,000
Korea	Camp Carroll	\$20,000,000
	Camp Castle	\$6,800,000
	Camp Hovey	\$25,000,000
	Camp Humphreys	\$36,000,000
	Camp Henry	\$10,000,000
Qatar	K16 Airfield	\$40,000,000
	Qatar	\$8,600,000
	Total	\$329,466,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Army: Unspecified Worldwide

Location	Installation	Amount
Worldwide Unspecified	Unspecified Worldwide	\$4,000,000
	Total	\$4,000,000

1 SEC. 2102. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2104(a)(6)(A), the Secretary of the
5 Army may construct or acquire family housing units (in-
6 cluding land acquisition and supporting facilities) at the
7 installations, for the purposes, and in the amounts set
8 forth in the following table:

Army: Family Housing

State or Country	Installation or loca- tion	Purpose	Amount
Alaska	Fort Wainwright	38 Units	\$17,752,000
Arizona	Yuma Proving Ground	33 Units	\$6,100,000
Germany	Stuttgart	1 Unit	\$990,000
Korea	Yongsan	10 Units	\$3,100,000
		Total	\$27,942,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-
10 priated pursuant to the authorization of appropriations in
11 section 2104(a)(6)(A), the Secretary of the Army may
12 carry out architectural and engineering services and con-
13 struction design activities with respect to the construction
14 or improvement of family housing units in an amount not
15 to exceed \$15,653,000.

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2104(a)(6)(A),
6 the Secretary of the Army may improve existing military
7 family housing units in an amount not to exceed
8 \$239,751,000.

9 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

10 (a) IN GENERAL.—Funds are hereby authorized to
11 be appropriated for fiscal years beginning after September
12 30, 2002, for military construction, land acquisition, and
13 military family housing functions of the Department of the
14 Army in the total amount of \$2,282,141,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2101(a),
17 \$628,337,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2101(b),
20 \$329,466,000.

21 (3) For military construction projects at un-
22 specified worldwide locations authorized by section
23 2101(c), \$4,000,000.

24 (4) For unspecified minor construction projects
25 authorized by section 2805 of title 10, United States
26 Code, \$20,500,000.

1 (5) For architectural and engineering services
2 and construction design under section 2807 of title
3 10, United States Code, \$143,524,000.

4 (6) For military family housing functions:

5 (A) For construction and acquisition, plan-
6 ning and design and improvement of military
7 family housing and facilities, \$283,346,000.

8 (B) For support of military family housing
9 (including the functions described in section
10 2833 of title 10, United States Code),
11 \$1,122,274,000.

12 (7) For the construction of phase 2 of barracks
13 complex, D Street, at Fort Richardson, Alaska, au-
14 thorized by section 2101(a) of the Military Construc-
15 tion Authorization Act for Fiscal year 2002 (division
16 B of Public Law 107–107; 115 Stat. 1281),
17 \$21,000,000.

18 (8) For the construction of phase 2 of a bar-
19 racks complex, Nelson Boulevard, at Fort Carson,
20 Colorado, authorized by section 2101(a) of the Mili-
21 tary Construction Authorization Act for Fiscal Year
22 2002 (division B of Public Law 107–107; 115 Stat.
23 1281), as amended by section 2105 of this Act,
24 \$42,000,000.

1 (9) For the construction of phase 4 of an am-
2 munition demilitarization facility at Pueblo Army
3 Depot, Colorado, authorized by section 2401(a) of
4 the Military Construction Authorization Act for Fis-
5 cal Year 1997 (division B of Public Law 104–201;
6 110 Stat. 2775), as amended by section 2406 of the
7 Military Construction Authorization Act for Fiscal
8 Year 2000 (division B of Public Law 106–65; 113
9 Stat. 839), and section 2108 of this Act,
10 \$38,000,000.

11 (10) For the construction of phase 5 of an am-
12 munition demilitarization facility at Newport Army
13 Depot, Indiana, authorized by section 2401(a) of the
14 Military Construction Authorization Act for Fiscal
15 Year 1999 (division B of Public Law 105–261; 112
16 Stat. 2193), \$61,494,000.

17 (11) For the construction of phase 3 of an am-
18 munition demilitarization facility at Blue Grass
19 Army Depot, Kentucky, authorized by section
20 2401(a) of the Military Construction Authorization
21 Act for Fiscal Year 2000 (division B of Public Law
22 106–65; 113 Stat. 835), as amended by section
23 2405 of the Military Construction Authorization Act
24 for Fiscal Year 2002 (division B of Public Law 107–

1 107; 115 Stat. 1298), and section 2106 of this Act,
2 \$10,300,000.

3 (12) For the construction of phase 3 of an am-
4 munition demilitarization support facility at Blue
5 Grass Army Depot, Kentucky, authorized by section
6 2401(a) of the Military Construction Authorization
7 Act for Fiscal Year 2000 (division B of Public Law
8 106–65; 113 Stat. 836), \$8,300,000.

9 (13) For the construction of phase 5 of an am-
10 munition demilitarization facility at Aberdeen Prov-
11 ing Ground, Maryland, authorized by section
12 2401(a) of the Military Construction Authorization
13 Act for Fiscal Year 1999 (division B of Public Law
14 105–261; 112 Stat. 2193), as amended by section
15 2406 of the Military Construction Authorization Act
16 for Fiscal Year 2002 (division B of Public Law 107–
17 107; 115 Stat. 1299) \$30,600,000.

18 (14) For the construction of phase 3 of a bar-
19 racks complex, Butner Road, at Fort Bragg, North
20 Carolina, authorized by section 2101(a) of the Mili-
21 tary Construction Authorization Act for Fiscal Year
22 2001 (division B of the Spence Act; 114 Stat.
23 1654A–389), \$50,000,000.

24 (15) For the construction of phase 2 of a basic
25 combat trainee complex at Fort Jackson, South

1 Carolina, authorized by section 2101(a) of the Mili-
2 tary Construction Authorization Act for Fiscal Year
3 2002 (division B of Public Law 107–107; 115 Stat.
4 1281), as amended by section 2105 of this Act,
5 \$39,000,000.

6 (16) For the construction of phase 2 of a bar-
7 racks complex, 17th and B Streets at Fort Lewis,
8 Washington, authorized by section 2101(a) of the
9 Military Construction Authorization Act for Fiscal
10 Year 2002, (division B of Public Law 107–107; 115
11 Stat. 1281), \$50,000,000.

12 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
13 PROJECTS.—Notwithstanding the cost variations author-
14 ized by section 2853 of title 10, United States Code, and
15 any other cost variation authorized by law, the total cost
16 of all projects carried out under section 2101 of this Act
17 may not exceed—

18 (1) the total amount authorized to be appro-
19 priated under paragraphs (1), (2), and (3) of sub-
20 section (a);

21 (2) \$18,000,000 (the balance of the amount au-
22 thorized under section 2101(a) for construction of a
23 barracks complex, Main Post, at Fort Benning,
24 Georgia;

1 (3) \$100,000,000 (the balance of the amount
2 authorized under section 2101(a) for construction of
3 a barracks complex, Capron Avenue, at Schofield
4 Barracks, Hawaii); and

5 (4) \$50,000,000 (the balance of the amount au-
6 thorized under section 2101(a) for construction of a
7 barracks complex, Range Road, at Fort Campbell,
8 Kentucky).

9 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
10 **CERTAIN FISCAL YEAR 2002 PROJECTS.**

11 (a) MODIFICATION.—The table in section 2101(a) of
12 the Military Construction Authorization Act for Fiscal
13 Year 2002 (division B of Public Law 107–107; 115 Stat.
14 1281) is amended—

15 (1) in the item relating to Fort Carson, Colo-
16 rado, by striking “\$66,000,000” in the amount col-
17 umn and inserting “\$67,000,000”; and

18 (2) in the item relating to Fort Jackson, South
19 Carolina, by striking “\$65,650,000” in the amount
20 column and inserting “\$68,650,000”.

21 (b) CONFORMING AMENDMENTS.—Section 2104(b)
22 of that Act (115 Stat. 1284) is amended—

23 (1) in paragraph (3), by striking
24 “\$41,000,000” and inserting “\$42,000,000”; and

1 (2) in paragraph (4), by striking
2 “\$36,000,000” and inserting “\$39,000,000”.

3 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
4 **CERTAIN FISCAL YEAR 2000 PROJECT.**

5 (a) MODIFICATION.—The table in section 2401(a) of
6 the Military Construction Authorization Act for Fiscal
7 Year 2000 (division B of Public Law 106–65; 113 Stat.
8 835) is amended—

9 (1) under the agency heading relating to Chem-
10 ical Demilitarization, in the item relating to Blue
11 Grass Army Depot, Kentucky, by striking
12 “\$254,030,000” in the amount column and inserting
13 “\$290,325,000”; and

14 (2) by striking the amount identified as the
15 total in the amount column and inserting
16 “\$748,245,000”.

17 (b) CONFORMING AMENDMENTS.—Section 2405(b)
18 of that Act (113 Stat. 839) is amended in paragraph (3),
19 by striking “\$231,230,000” and inserting
20 “\$267,525,000”.

21 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **CERTAIN FISCAL YEAR 1999 PROJECT.**

23 (a) MODIFICATION.—The table in section 2401(a) of
24 the Military Construction Authorization Act for Fiscal
25 Year 1999 (division B of Public Law 105–261; 112 Stat.

1 2193) is amended under the agency heading relating to
 2 Chemical Demilitarization, in the item relating to Newport
 3 Army Depot, Indiana, by striking “\$191,550,000” in the
 4 amount column and inserting “\$293,853,000”; and (2) by
 5 striking the amount identified as the total in the amount
 6 column and inserting “\$829,919,000”.

7 (b) CONFORMING AMENDMENT.—Section 2404(b)(2)
 8 of that Act (112 Stat. 2196) is amended by striking
 9 “\$162,050,000” and inserting “\$264,353,000”.

10 **SEC. 2108. MODIFICATION OF AUTHORITY TO CARRY OUT**
 11 **CERTAIN FISCAL YEAR 1997 PROJECT.**

12 (a) MODIFICATION.—The table in section 2401(a) of
 13 the Military Construction Authorization Act for Fiscal
 14 Year 1997 (division B of Public Law 104–201; 110 Stat.
 15 2775) is amended—

16 (1) in the item relating to Pueblo Chemical Ac-
 17 tivity, Colorado, under the agency heading relating
 18 to Chemical Demilitarization Program, by striking
 19 “\$203,500,000” in the amount column and inserting
 20 “\$261,000,000”; and

21 (2) by striking the amount identified as the
 22 total in the amount column and inserting
 23 “\$607,454,000”.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking “\$203,500,000” and inserting “\$261,000,000”.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification to carry out certain fiscal year 2002 project.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$3,000,000
California	Auxiliary Landing Field, San Diego (San Clemente Island).	\$6,150,000
	Marine Corps Air Station, Camp Pendleton.	\$11,930,000
	Marine Corps Air Station, Miramar	\$8,700,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms.	\$25,770,000
	Marine Corps Base, Camp Pendleton	\$64,040,000
	Naval Air Station, Lemoore	\$16,520,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island.	\$6,760,000
	Naval Station, San Diego	\$3,530,000
District of Columbia	Marine Corps Barracks	\$3,700,000
Florida	Naval Air Station, Pensacola	\$990,000
	Naval School Explosive Ordnance Detachment, Eglin.	\$6,350,000
Hawaii	Naval Station, Pearl Harbor	\$10,490,000
Illinois	Naval Training Center, Great Lakes	\$85,100,000
Maine	Naval Shipyard, Kittery-Portsmouth	\$11,600,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Maryland	Naval Air Facility, Andrews Air Force Base.	\$9,680,000
Mississippi	Naval Construction Battalion Center, Gulfport.	\$5,460,000
North Carolina	Naval Station, Pascagoula	\$4,160,000
	Marine Corps Air Station, Cherry Point	\$6,040,000
	Marine Corps Air Station, New River	\$6,920,000
South Carolina	Marine Corps Base, Camp Lejeune	\$5,370,000
	Marine Corps Air Station, Beaufort	\$13,700,000
	Marine Corps Recruit Depot, Parris Island.	\$10,490,000
Texas	Naval Air Station, Kingsville	\$6,210,000
Virginia	Marine Corps Combat Development Command, Quantico.	\$19,554,000
Washington	Naval Air Station, Oceana	\$2,000,000
	Naval Shipyard, Norfolk, Portsmouth	\$19,660,000
	Naval Station, Norfolk	\$158,640,000
	Naval Surface Warfare Center, Dahlgren	\$9,230,000
	Naval Weapons Station, Yorktown	\$15,020,000
	Naval Air Station, Whidbey Island	\$9,180,000
	Naval Magazine, Indian Island	\$4,030,000
	Naval Station, Bremerton	\$43,670,000
	Naval Submarine Base, Bangor	\$5,900,000
	Puget Sound Naval Shipyard, Bremerton	\$54,132,000
Various Locations	Strategic Weapons Facility, Bangor	\$7,340,000
	Host Nation Infrastructure	\$1,000,000
Total		\$682,016,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and
6 in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Naval Support Activity, Bahrain	\$25,970,000
Diego Garcia	Diego Garcia, Naval Support Facility	\$11,090,000
Greece	Naval Support Activity, Joint Headquarters Command, Larissa.	\$14,800,000
Guam	Commander, U.S. Naval Forces, Guam ..	\$13,400,000
Iceland	Naval Air Station, Keflavik	\$14,920,000
Italy	Naval Air Station, Sigonella	\$55,660,000
Spain	Joint Headquarters Command, Madrid ..	\$2,890,000
Total		\$138,730,000

1 **SEC. 2202. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2204(a)(5)(A), the Secretary of the
 5 Navy may construct or acquire family housing units (in-
 6 cluding land acquisition and supporting facilities) at the
 7 installations, for the purposes, and in the amounts set
 8 forth in the following table:

Navy: Family Housing

State or Country	Installation or loca- tion	Purpose	Amount
California	Naval Air Station, Lemoore.	178 Units	\$40,981,000
	Twentynine Palms	76 Units	\$19,425,000
Connecticut	Naval Submarine Base, New London.	100 Units	\$24,415,000
Florida	Naval Station, Mayport	1 Unit	\$329,000
Hawaii	Marine Corps Base, Kaneohe Bay.	65 Units	\$24,797,000
Mississippi	Naval Air Station, Me- ridian.	56 Units	\$9,755,000
North Carolina	Marine Corps Base, Camp Lejeune.	317 Units	\$43,650,000
Virginia	Marine Corps Base, Quantico.	290 Units	\$41,843,000
Greece	Naval Support Activity Joint Headquarters Command, Larissa.	2 Units	\$1,232,000
United Kingdom	Joint Maritime Facility, St. Mawgan.	62 Units	\$18,524,000
		Total	\$224,951,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-
 10 priated pursuant to the authorization of appropriation in
 11 section 2204(a)(5)(A), the Secretary of the Navy may
 12 carry out architectural and engineering services and con-
 13 struction design activities with respect to the construction
 14 or improvement of military family housing units in an
 15 amount not to exceed \$11,281,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(a)(5)(A),
6 the Secretary of the Navy may improve existing military
7 family housing units in an amount not to exceed
8 \$139,468,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 (a) IN GENERAL.—Funds are hereby authorized to
11 be appropriated for fiscal years beginning after September
12 30, 2002, for military construction, land acquisition, and
13 military family housing functions of the Department of the
14 Navy in the total amount of \$2,138,619,000, as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2201(a),
17 \$633,616,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2201(b),
20 \$136,160,000.

21 (3) For unspecified minor construction projects
22 authorized by section 2805 of title 10, United States
23 Code, \$23,262,000.

24 (4) For architectural and engineering services
25 and construction design under section 2807 of title
26 10, United States Code, \$68,573,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-
 3 ning and design, and improvement of military
 4 family housing and facilities, \$375,700,000.

5 (B) For support of military family housing
 6 (including functions described in section 2833
 7 of title 10, United States Code), \$867,788,000.

8 (6) For replacement of a pier at Naval Station
 9 Norfolk, Virginia, authorized in section 2201(a) of
 10 the Military Construction Authorization Act for Fis-
 11 cal Year 2002 (division B of Public Law 107–107;
 12 115 Stat. 1287), as amended by section 2205 of this
 13 Act, \$33,520,000.

14 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 15 PROJECTS.—Notwithstanding the cost variations author-
 16 ized by section 2853 of title 10, United States Code, and
 17 any other cost variation authorized by law, the total cost
 18 of all projects carried out under section 2201 of this Act
 19 may not exceed—

20 (1) the total amount authorized to be appro-
 21 priated under paragraphs (1) and (2) of subsection
 22 (a):

23 (2) \$48,120,000 (the balance of the amount au-
 24 thorized under section 2201(b) for a BEQ shipboard
 25 ashore, NS Norfolk, Virginia); and

1 (3) \$2,570,000 (the balance of the amount au-
 2 thorized under section 2201(a) for a QOL support
 3 facility, NAS Sigonella, Italy).

4 **SEC. 2205. MODIFICATION TO CARRY OUT CERTAIN FISCAL**
 5 **YEAR 2002 PROJECT.**

6 (a) MODIFICATION.—The table in section 2201 of the
 7 Military Construction Authorization Act for Fiscal Year
 8 2002 (division B of Public Law 107–107; 115 Stat. 1286)
 9 is amended—

10 (1) in the item relating to Naval Station, Nor-
 11 folk, Virginia, by striking “\$139,270,000” in the
 12 amount column and inserting “\$139,550,000”, and

13 (2) by striking the amount identified as the
 14 total in the amount column and inserting
 15 “\$1,059,030,000”.

16 (b) CONFORMING AMENDMENTS.—Section 2204 of
 17 that Act (115 Stat. 1289) is amended in subsection (b)(1)
 18 in paragraph (2), by striking “\$33,240,000” and inserting
 19 “\$33,520,000”.

20 **TITLE XXIII—AIR FORCE**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

1 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
2 **LAND ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in section 2304(a)(1), the Secretary of the Air Force
6 may acquire real property and carry out military construc-
7 tion projects for the installations and locations inside the
8 United States, and in the amounts, set forth in the fol-
9 lowing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alaska	Clear Air Station	\$14,400,000
	Eielson Air Force Base	\$21,600,000
Arizona	Davis-Monthan Air Force Base	\$19,270,000
Arkansas	Little Rock Air Force Base	\$25,600,000
California	Beale Air Force Base	\$11,740,000
	Vandenberg Air Force Base	\$10,500,000
Colorado	Buckley Air National Guard Base ...	\$17,700,000
Florida	Hurlburt Field	\$9,000,000
Louisiana	Barksdale Air Force Base	\$10,900,000
Massachusetts	Hanscom Air Force Base	\$7,700,000
Mississippi	Keesler Air Force Base	\$22,000,000
Nevada	Nellis Air Force Base	\$30,450,000
New Jersey	McGuire Air Force Base	\$24,631,000
North Carolina	Pope Air Force Base	\$9,700,000
Ohio	Wright-Patterson Air Force Base ...	\$10,400,000
Texas	Lackland Air Force Base	\$18,500,000
	Sheppard Air Force Base	\$16,000,000
Virginia	Langley Air Force Base	\$47,940,000
	Total	\$328,031,000

10 (b) OUTSIDE THE UNITED STATES.—Using amounts
11 appropriated pursuant to the authorization of appropria-
12 tions in section 2304(a)(2), the Secretary of the Air Force
13 may acquire real property and carry out military construc-
14 tion projects for the installations and locations outside the
15 United States, and in the amounts, set forth in the fol-
16 lowing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Diego Garcia	Diego Garcia	\$17,100,000
Germany	Ramstein Air Force Base	\$70,183,000
Guam	Andersen Air Force Base	\$16,000,000
Korea	Osan Air Base	\$15,100,000
Spain	Naval Station, Rota	\$31,818,000
United Kingdom	Royal Air Force, Fairford	\$19,000,000
	Royal Air Force, Lakenheath	\$13,400,000
Wake Island	Wake Island	\$24,900,000
	Total	\$207,501,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(3), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installation and location and in the
6 amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation	Amount
Worldwide	Worldwide Unspecified Classified	\$55,562,000
	Total	\$55,562,000

7 **SEC. 2302. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2304(a)(6)(A), the Secretary of the
11 Air Force may construct or acquire family housing units
12 (including land acquisition and supporting facilities) at the
13 installations, for the purposes, and in the amounts set
14 forth in the following table:

Air Force: Family Housing

State or Country	Installation or loca- tion	Purpose	Amount
Arizona	Luke Air Force Base ..	140 Units	\$18,954,000
California	Travis Air Force Base	110 Units	\$24,320,000

Air Force: Family Housing—Continued

State or Country	Installation or location	Purpose	Amount
Colorado	Peterson Air Force Base.	2 Units	\$959,000
	United States Air Force Academy.	71 Units	\$12,424,000
Delaware	Dover Air Force Base	112 Units	\$19,615,000
Florida	Eglin Air Force Base ..	Housing Office	\$597,000
	Eglin Air Force Base ..	134 Units	\$15,906,000
	MacDill Air Force Base.	96 Units	\$18,086,000
Hawaii	Hickam Air Force Base.	96 Units	\$29,050,000
Idaho	Mountain Home Air Force Base.	95 Units	\$24,392,000
Kansas	McConnell Air Force Base.	Housing Maintenance Facility.	\$1,514,000
Maryland	Andrews Air Force Base.	53 Units	\$9,838,000
	Andrews Air Force Base.	52 Units	\$8,807,000
Mississippi	Columbus Air Force Base.	Housing Office	\$412,000
	Keesler Air Force Base	117 Units	\$16,505,000
Missouri	Whiteman Air Force Base.	22 Units	\$3,977,000
Montana	Malmstrom Air Force Base.	18 Units	\$4,717,000
New Mexico	Holloman Air Force Base.	101 Units	\$20,161,000
North Carolina	Pope Air Force Base ...	Housing Maintenance Facility.	\$991,000
	Seymour Johnson Air Force Base.	126 Units	\$18,615,000
North Dakota	Grand Forks Air Force Base.	150 Units	\$30,140,000
	Minot Air Force Base	112 Units	\$21,428,000
	Minot Air Force Base	102 Units	\$20,315,000
Oklahoma	Vance Air Force Base	59 Units	\$11,423,000
South Dakota	Ellsworth Air Force Base.	Housing Maintenance Facility.	\$447,000
	Ellsworth Air Force Base.	22 Units	\$4,794,000
Texas	Dyess Air Force Base	85 Units	\$14,824,000
	Randolph Air Force Base.	Housing Maintenance Facility.	\$447,000
	Randolph Air Force Base.	112 Units	\$14,311,000
Virginia	Langley Air Force Base.	Housing Office	\$1,193,000
Germany	Ramstein Air Force Base.	19 Units	\$8,534,000
Korea	Osan Air Base	113 Units	\$35,705,000
	Osan Air Base	Housing Supply Warehouse.	\$834,000
United Kingdom	Royal Air Force Lakenheath.	Housing Office and Maintenance Facility.	\$2,203,000

Air Force: Family Housing—Continued

State or Country	Installation or location	Purpose	Amount
		Total	\$416,438,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(a)(6)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$34,188,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2304(a)(6)(A),
13 the Secretary of the Air Force may improve existing mili-
14 tary family housing units in an amount not to exceed
15 \$226,068,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
17 **FORCE.**

18 (a) IN GENERAL.—Funds are hereby authorized to
19 be appropriated for fiscal years beginning after September
20 30, 2002, for military construction, land acquisition, and
21 military family housing functions of the Department of the
22 Air Force in the total amount of \$2,165,203,000, as fol-
23 lows:

1 (1) For military construction projects inside the
2 United States authorized by section 2301(a),
3 \$328,031,000.

4 (2) For military construction projects outside
5 the United States authorized by section 2301(b),
6 \$207,501,000.

7 (3) For the military construction projects at
8 unspecified worldwide locations authorized by section
9 2301(c), \$55,562,000.

10 (4) For unspecified minor construction projects
11 authorized by section 2805 of title 10, United States
12 Code, \$11,500,000.

13 (5) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$41,496,000.

16 (6) For military housing functions:

17 (A) For construction and acquisition, plan-
18 ning and design and improvement of military
19 family housing and facilities, \$676,694,000.

20 (B) For support of military family housing
21 (including functions described in section 2833
22 of title 10, United States Code), \$844,419,000.

23 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
24 PROJECTS.—Notwithstanding the cost variations author-
25 ized by section 2853 of title 10, United States Code, and

1 any other cost variation authorized by law, the total cost
 2 of all projects carried out under section 2301 of this Act
 3 may not exceed the total amount authorized to be appro-
 4 priated under paragraphs (1), (2) and (3) of subsection
 5 (a).

6 **TITLE XXIV—DEFENSE** 7 **AGENCIES**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Improvements to military family housing units.

Sec. 2403. Energy conservation projects.

Sec. 2404. Authorization of appropriations, Defense Agencies.

8 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 9 **TION AND LAND ACQUISITION PROJECTS.**

10 (a) INSIDE THE UNITED STATES.—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2403(a)(1), the Secretary of Defense may
 13 acquire real property and carry out military construction
 14 projects for the installations and locations inside the
 15 United States, and in the amounts, set forth in the fol-
 16 lowing table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Missile Defense Agency	Kauai, Hawaii	\$23,400,000
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia.	\$121,958,000
Defense Logistics Agency	Columbus, Ohio	\$5,021,000
	Defense Distribution Depot—DDNV, Virginia	\$5,500,000
	Naval Air Station, New Orleans, Louisiana	\$9,500,000
	Travis Air Force Base, California	\$16,000,000
Defense Threat Reduction Agency.	Fort Belvoir, Virginia	\$76,388,000
Department of Defense Dependents Schools.	Fort Bragg, North Carolina	\$1,825,000
	Fort Jackson, South Carolina	\$2,247,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
National Security Agency Special Operations Command	Marine Corps Base, Camp Lejeune, North Carolina	\$10,884,000
	Marine Corps Base, Quantico, Vir- ginia	\$1,272,000
	United States Military Academy, West Point, New York	\$3,898,000
	Fort Meade, Maryland	\$4,484,000
	Fort Bragg, North Carolina	\$30,800,000
	Hurlburt Field, Florida	\$11,100,000
	Naval Amphibious Base, Little Creek, Virginia	\$14,300,000
	Elmendorf Air Force Base, Alaska ..	\$10,400,000
	Hickam Air Force Base, Hawaii	\$2,700,000
	Tri-Care Management Activ- ity.	
Washington Headquarters Services.	Arlington, Virginia	\$18,000,000
	Washington Headquarters Services, District of Columbia.	\$2,500,000
	Total	\$372,177,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Andersen Air Force Base, Guam	\$17,586,000
	Lajes Field, Azores, Portugal	\$19,000,000
	Naval Forces Marianas Islands, Guam	\$6,000,000
	Naval Station, Rota, Spain	\$23,400,000
	Royal Air Force, Fairford, United Kingdom	\$17,000,000
	Yokota Air Base, Japan	\$23,000,000
	Kaiserslautern, Germany	\$858,000
	Lajes Field, Azores, Portugal	\$1,069,000
	Seoul, Korea	\$28,409,000
	Supreme Headquarters, Allied Powres Europe, Belgium	\$1,410,000
Department of Defense De- pendents Schools.	Spangdahlem Air Base, Germany	\$894,000
	Vicenza, Italy	\$1,898,000
	Tri-Care Management Activ- ity.	
	Naval Support Activity, Naples, Italy.	\$41,449,000
	Spangdahlem Air Base, Germany	\$39,629,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
	Total	\$221,602,000

1 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2404(a)(5)(A),
6 the Secretary of Defense may improve existing military
7 family housing units in an amount not to exceed
8 \$5,530,000.

9 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

10 Using amounts appropriated pursuant to the author-
11 ization of appropriations in section 2404(a)(6), the Sec-
12 retary of Defense may carry out energy conservation
13 projects under section 2865 of title 10, United States
14 Code, in the amount of \$49,531,000.

15 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**
16 **FENSE AGENCIES.**

17 (a) IN GENERAL.—Funds are hereby authorized to
18 be appropriated for fiscal years beginning after September
19 30, 2002, for military construction, land acquisition, and
20 military family housing functions of the Department of
21 Defense (other than the military departments) in the total
22 amount of \$1,282,585,000, as follows:

1 (1) For military construction projects inside the
2 United States authorized by section 2401(a),
3 \$335,577,000.

4 (2) For military construction projects outside
5 the United States authorized by section 2401(b),
6 \$221,602,000.

7 (3) For unspecified minor construction projects
8 under section 2805 of title 10, United States Code,
9 \$16,293,000.

10 (4) For contingency construction projects of the
11 Secretary of Defense under section 2804 of title 10,
12 United States Code, \$10,000,000.

13 (5) For architectural and engineering services
14 and construction design under section 2807 of title
15 10, United States Code, \$44,132,000.

16 (6) For Energy Conservation projects author-
17 ized by section 2403 of this Act, \$49,531,000.

18 (7) For base closure and realignment activities
19 as authorized by the Defense Base Closure and Re-
20 alignment Act of 1990 (part A of title XXIX of
21 Public Law 101–510; 10 U.S.C. 2687 note),
22 \$545,138,000.

23 (8) For military family housing functions:

24 (A) For improvement of military family
25 housing and facilities, \$5,480,000.

1 (B) For support of military family housing
2 (including functions described in section 2833
3 of title 10, United States Code), \$42,432,000.

4 (C) For credit to the Department of De-
5 fense Family Housing Improvement Fund es-
6 tablished by section 2883(a)(1) of title 10,
7 United States Code, \$2,000,000.

8 (9) For payment of a claim against the Hos-
9 pital Replacement project at Elmendorf Air Force
10 Base, Alaska, \$10,400,000.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
12 PROJECTS.—Notwithstanding the cost variations author-
13 ized by section 2853 of title 10, United States Code, and
14 any other cost variation authorized by law, the total cost
15 of all projects carried out under section 2401 of this Act
16 may not exceed—

17 (1) the total amount authorized to be appro-
18 priated under paragraphs (1) and (2) of subsection
19 (a); and

20 (2) \$26,200,000 (the balance of the amount au-
21 thorized under section 2401(a) for the construction
22 of the Defense Threat Reduction Center, Fort
23 Belvoir, Virginia).

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2002, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment Program authorized by
22 section 2501, in the amount of \$168,200,000.

1 **TITLE XXVI—GUARD AND**
 2 **RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

3 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 4 **TION AND LAND ACQUISITION PROJECTS.**

5 (a) IN GENERAL.—There are authorized to be appro-
 6 priated for fiscal years beginning after September 30,
 7 2002, for the costs of acquisition, architectural and engi-
 8 neering services, and construction of facilities for the
 9 Guard and Reserve Forces, and for contributions therefor,
 10 under chapter 1803 of title 10, United States Code (in-
 11 cluding the cost of acquisition of land for those facilities),
 12 the following amounts:

13 (1) For the Department of the Army—

14 (A) for the Army National Guard of the
 15 United States, \$101,595,000; and

16 (B) for the Army Reserve, \$58,779,000.

17 (2) For the Department of the Navy—

18 (A) for the Naval and Marine Corps Re-
 19 serve, \$51,554,000.

20 (3) For the Department of the Air Force—

21 (A) for the Air National Guard of the
 22 United States, \$53,473,000; and

23 (B) for the Air Force Reserve,
 24 \$31,900,000.

1 **TITLE XXVII—EXPIRATION AND**
 2 **EXTENSION OF AUTHORIZA-**
 3 **TIONS**

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 2000 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 1999 projects.

Sec. 2704. Effective date.

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
 5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
 8 YEARS.—Except as provided in subsection (b), all author-
 9 izations contained in titles XXI through XXVI for military
 10 construction projects, land acquisition, family housing
 11 projects and facilities, and contributions to the North At-
 12 lantic Treaty Organization Security Investment Program
 13 (and authorizations of appropriations therefor) shall ex-
 14 pire on the later of—

15 (1) October 1, 2005; or

16 (2) the date for the enactment of an Act au-
 17 thorizing funds for military construction for fiscal
 18 year 2006.

19 (b) EXCEPTION.—Subsection (a) shall not apply to
 20 authorizations for military construction projects, land ac-
 21 quisition, family housing projects and facilities, and con-
 22 tributions to the North Atlantic Treaty Organization Se-

1 curity Investment Program (and authorizations of appro-
 2 priations therefor) for which appropriated funds have been
 3 obligated before the later of—

4 (1) October 1, 2005; or

5 (2) the date of the enactment of an Act author-
 6 ized funds for fiscal year 2006 for military construc-
 7 tion projects, land acquisition, family housing
 8 projects and facilities, and contributions to the
 9 North Atlantic Treaty Organization Security Invest-
 10 ment Program.

11 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 12 **FISCAL YEAR 2000 PROJECTS.**

13 (a) EXTENSION.—Notwithstanding section 2701 of
 14 the Military Construction Authorization Act for Fiscal
 15 Year 2000 (division B of Public Law 106–65; 113 Stat.
 16 841), authorizations set forth in the tables in subsection
 17 (b), as provided in section 2104 or 2302 of that Act, shall
 18 remain in effect until October 1, 2003, or the date of the
 19 enactment of an Act authorizing funds for military con-
 20 struction for fiscal year 2004, whichever is later.

21 (b) TABLES.—The tables referred to in subsection (a)
 22 are as follows:

Army: Extension of 2000 Project Authorization

State	Installation or loca- tion	Project	Amount
Virginia	National Guard Fort Pickett.	Multipurpose Range Com- plex—Heavy.	\$13,500,000

Air Force: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Oklahoma	Tinker Air Force Base	Replace Family Housing (41 Units).	\$6,000,000

(c) EXTENSION.—Notwithstanding the Department of Defense Appropriations Act for Fiscal Year 2000 (Public Law 106–79; 113 Stat. 1274), authorizations set forth in the tables in subsection (d), as provided in section 8160 of that Act, shall remain in effect until October 1, 2003, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004, whichever is later.

(d) TABLE.—The table referred to in subsection (c) is as follows:

Army: Extension of 2000 Project Authorization

State	Installation or location	Project	Amount
Pennsylvania	National Guard—Connellsville.	Readiness Center.	\$1,700,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1999 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2003, or the date of the enact-

1 ment of an Act authorizing funds for military construction
 2 for fiscal year 2004, whichever is later.

3 (b) TABLES.—The tables referred to in subsection (a)
 4 are as follows:

Air Force: Extension of 1999 Project Authorizations

State	Installation or location	Project	Amount
Delaware	Dover Air Force Base	Replace Family Housing (55 Units).	\$8,998,000
Florida	Patrick Air Force Base	Replace Family Housing (46 Units).	\$9,692,000
New Mexico	Kirtland Air Force Base.	Replace Family Housing (37 Units).	\$6,400,000
Ohio	Wright-Patterson Air Force Base.	Replace Family Housing (40 Units).	\$5,600,000

5 **SEC. 2704. EFFECTIVE DATE.**

6 Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, and
 7 XXVII of this Act shall take effect on the later of—

8 (1) October 1, 2002; or

9 (2) the date of the enactment of this Act.

10 **TITLE XXVIII—GENERAL**
 11 **PROVISIONS**

Subtitle A—Military Construction and Military Family Housing

Sec. 2801. Alternative authority for acquisition and improvement of military housing.

Sec. 2802. Repeal of source requirements for overseas family housing construction.

Subtitle B—Real Property and Facilities Administration

Sec. 2803. Conveyance of surplus real property for natural resource conservation purposes.

Sec. 2804. Relief from McKinney-Vento Act screening requirements.

Sec. 2805. Leasing of military family housing in Korea.

Sec. 2806. Program on reduction in long-term facility maintenance costs.

Sec. 2807. Boundary Channel Drive site land acquisition, Arlington, Virginia.

Sec. 2808. Agreements with private organizations to address encroachment and other constraints on military training, testing, and operations.
 Sec. 2809. Authority to convey certain lands in Alaska no longer needed for National Guard purposes.

Subtitle C—Other Matters

Sec. 2810. Environmental restoration project.

1 **Subtitle A—Military Construction** 2 **and Military Family Housing**

3 **SEC. 2801. ALTERNATIVE AUTHORITY FOR ACQUISITION** 4 **AND IMPROVEMENT OF MILITARY HOUSING.**

5 (a) UTILITIES AND SERVICES.—Section 2872a(b) of
 6 title 10, United States Code, is amended by adding the
 7 following new paragraphs at the end thereof:

8 “(11) Fire fighting and Protection.

9 “(12) Police Protection.”.

10 (b) LEASING OF HOUSING.—

11 (1) Section 2874(a) of title 10, United States
 12 Code, is amended—

13 (A) by striking “to be constructed” in the
 14 heading; and

15 (B) by striking “military family housing
 16 units or military unaccompanied housing units
 17 to be constructed under this subchapter.” and
 18 inserting “housing units that the Secretary de-
 19 termines are suitable for use as military family
 20 housing or military unaccompanied housing.”.

21 (2) The table of sections for subchapter IV of
 22 chapter 169 of title 10, United States Code, is

1 amended by striking the item relating to section
2 2874 and inserting the following:

“2874. Leasing of housing.”.

3 (c) INTERIM LEASES.—(1) Section 2879 of title 10,
4 United States Code, is repealed.

5 (2) The table of sections for subchapter IV of Chap-
6 ter 169 of title 10, United States Code, is amended by
7 striking the item relating to section 2879.

8 (d) UNIT SIZE AND TYPE.—Section 2880(b)(2) of
9 title 10, United States Code, is amended by striking “un-
10 less the unit is located on a military installation”.

11 (e) DEPARTMENT OF DEFENSE HOUSING FUND.—
12 (1) Section 2883 of title 10, United States Code, is
13 amended—

14 (A) by striking subsections (a), (b), and (c);
15 and

16 (B) by inserting at the beginning the following
17 new subsections (a) and (b):

18 “(a) ESTABLISHMENT.—There is hereby established
19 on the books of the Treasury the Department of Defense
20 Housing Improvement Fund.

21 “(b) CREDITS TO FUNDS.—There shall be credited
22 to the Department of Defense Housing Improvement
23 Fund the following:

24 “(1) Amounts authorized for and appropriated
25 to that Fund.

1 “(2) Subject to subsection (e), any amounts
2 that the Secretary of Defense transfers, in such
3 amounts as provided in appropriation Acts to that
4 Fund from amounts authorized and appropriated to
5 the Department of Defense for the acquisition or
6 construction of military family housing or military
7 unaccompanied housing.

8 “(3) Proceeds from the conveyance or lease of
9 property or facilities under section 2878 of this title
10 for the purpose of carrying out activities under this
11 subchapter with respect to military family housing
12 or military unaccompanied housing.

13 “(4) Income derived from any activities under
14 this subchapter with respect to military family hous-
15 ing or military unaccompanied housing, income and
16 gains realized from investments under section 2875
17 of this title, and any return of capital invested as
18 part of such investments.

19 “(5) Any amounts that the Secretary of the
20 Navy transfers to that Fund pursuant to section
21 2814(i)(3) of this title, subject to the restrictions on
22 the use of the transferred amounts specified in that
23 section.”;

24 (C) by redesignating subsections (d) through
25 (g) as (c) through (f), respectively;

1 (D) in subsection (c), as redesignated by sub-
 2 paragraph (C),

3 (i) in paragraph (1), by striking “Family”;

4 (ii) by striking paragraph (2); and

5 (iii) by redesignating paragraph (3) as
 6 paragraph (2);

7 (E) in subsection (e), as redesignated by sub-
 8 paragraph (C), by striking “a Fund under para-
 9 graph (1)(B) or (2)(B) of subsection (c)” and in-
 10 serting “the Fund under paragraph (2) of sub-
 11 section (b)”;

12 (F) in subsection (f), as redesignated by sub-
 13 paragraph (C)—

14 (i) in paragraph (1), by striking
 15 “\$850,000,000” and inserting
 16 “\$1,700,000,000”; and

17 (ii) in paragraph (2), by striking
 18 “\$150,000,000” and inserting “\$300,000,000”.

19 (2) Section 2871(6) of such title 10 is amended by
 20 striking “Family Housing Improvement Fund or the De-
 21 partment of Defense Military Unaccompanied Housing
 22 Improvement Fund” and inserting “Housing Improve-
 23 ment Fund”.

24 (3) Section 2875(e) of such title 10 is amended by
 25 striking “Family Housing Improvement Fund or the De-

1 partment of Defense Military Unaccompanied Housing
 2 Improvement Fund” and inserting “Housing Improve-
 3 ment Fund”.

4 **SEC. 2802. REPEAL OF SOURCE REQUIREMENTS FOR OVER-**
 5 **SEAS FAMILY HOUSING CONSTRUCTION.**

6 Section 803 of the Military Construction Authoriza-
 7 tion Act, 1984 (Public Law 98–115; 97 Stat. 784), as
 8 amended, is repealed.

9 **Subtitle B—Real Property and**
 10 **Facilities Administration**

11 **SEC. 2803. CONVEYANCE OF SURPLUS REAL PROPERTY**
 12 **FOR NATURAL RESOURCE CONSERVATION**
 13 **PURPOSES.**

14 (a) IN GENERAL.—Chapter 159 of title 10, United
 15 States Code, is amended by inserting after section 2669
 16 the following new section:

17 **“§ 2669a. Conveyance of surplus real property for**
 18 **natural resource conservation purposes**

19 “(a) AUTHORITY TO CONVEY.—The Secretary of a
 20 military department, in his sole discretion, may convey
 21 surplus real property under its jurisdiction that is suitable
 22 and desirable for conservation purposes to any state or
 23 local government, or instrumentality thereof, or nonprofit
 24 organization that exists for the primary purpose of con-
 25 servation of natural resources on real property. This au-

1 thority shall only apply to surplus real property that the
 2 disposing agency has certified has been made available for
 3 public benefit transfer, has been available for a sufficient
 4 time to potential claimants and for which there is no pend-
 5 ing request for transfer to another Federal agency or for
 6 conveyance to any other qualified recipient for public ben-
 7 efit transfer, under the real property disposal processes
 8 and authorities established pursuant to the Federal Prop-
 9 erty and Administrative Services Act of 1949 (40 U.S.C.
 10 471, et seq.). The consideration for such conveyance shall
 11 be determined by the Secretary pursuant to subsection (e).

12 “(b) DEED REQUIREMENTS.—The deed of convey-
 13 ance of any surplus real property disposed of under this
 14 subsection—

15 “(1) shall provide that all such property shall
 16 be used and maintained for the conservation of nat-
 17 ural resources in perpetuity, and that in the event
 18 that such property ceases to be used or maintained
 19 for such purpose during such period, all or any por-
 20 tion of such property shall in its then existing condi-
 21 tion, at the option of the United States, revert to the
 22 United States;

23 “(2) may permit the grantee to convey the
 24 property to another eligible entity; provided the Sec-
 25 retary of the military department approves the con-

1 conveyance in writing and the property shall be subject
2 to the same covenants and terms and conditions as
3 provided in the deed from the United States;

4 “(3) may permit incidental revenue-producing
5 activities that are compatible with the use of the
6 property for conservation purposes;

7 “(4) may contain such additional terms, res-
8 ervation, restrictions and conditions as may be de-
9 termined by the Secretary to safeguard the interests
10 of the United States.

11 “(c) RELEASE OF COVENANTS.—The Secretary, with
12 the concurrence of the Secretary of Interior, may grant
13 a release from the covenant described in subsection (b)
14 on the condition that the grantee pay the fair market
15 value, as determined by the Secretary, of the property at
16 the time of the release of the covenant. The Secretary may
17 reduce the amount owed for release of such covenant tak-
18 ing into account the value of the natural resource con-
19 servation benefit that has accrued during the period of the
20 conveyance and which benefit was not previously taken
21 into account in (a).

22 “(d) LIMITATIONS.—Such conveyance shall not be
23 used in settlement of any litigation, dispute, or claim
24 against the United States, nor as a condition of allowing
25 any defense activity under any Federal, State, or local per-

1 mitting or review process. The Secretary may use such
2 conveyances, with the restrictions set forth in subsection
3 (b), to establish mitigation banks outside the context of
4 being a condition imposed by any Federal, State, or local
5 regulatory body for granting a permit, completion of re-
6 view, or otherwise granting permission for a proposed mili-
7 tary action other than establishment of a mitigation bank.

8 “(e) CONSIDERATION.—In fixing the consideration
9 for the property or in determining the amount of any re-
10 duction of the fair market value owed for the release of
11 the covenant under subsection (c), the Secretary of the
12 military department shall take into consideration any ben-
13 efit that has accrued or may accrue to the United States
14 from the use of such property for the conservation of nat-
15 ural resources.

16 “(f) REAL PROPERTY DECLARED SURPLUS AS A RE-
17 SULT OF A BASE CLOSURE LAW.—The Secretary con-
18 cerned may not dispose of any real property declared sur-
19 plus as a result of a base closure law under this section
20 in a manner inconsistent with the requirements and pref-
21 erences established under a base closure law.

22 “(g) DEFINITIONS.—(1) The term ‘States’ as used
23 in this section includes the District of Columbia, the Com-
24 monwealth of Puerto Rico, the Commonwealth of the

1 Northern Marianas and the territories and possessions of
2 the United States.

3 “(2) The term ‘base closure law’ means the Defense
4 Authorization Amendments and Base Closure and Re-
5 alignment Act of 1988 (Public Law 100–526), the De-
6 fense Base Closure and Realignment Act of 1990 (Public
7 Law 101–510), or similar base closure authority.”.

8 (b) AGREEMENTS WITH NONPROFIT CONSERVATION
9 NATURAL RESOURCE ORGANIZATIONS.—Section 2701(d)
10 of such title 10 is amended—

11 (1) in paragraph (1), by inserting “or nonprofit
12 conservation organization” after “any Indian tribe”;

13 (2) in paragraph (3), by adding at the end the
14 following sentence: “The term ‘conservation organi-
15 zation’ as used in this section means non-govern-
16 mental nonprofit organizations that exist for the pri-
17 mary purpose of conserving open space or natural
18 resources.”.

19 (c) ACCEPTANCE OF FUNDS TO COVER ADMINISTRA-
20 TIVE EXPENSES.—Section 2695(b) of such title 10 is
21 amended by adding at the end the following new para-
22 graph:

23 “(4) The conveyance of real property under sec-
24 tion 2669a of this title.”.

1 (d) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter 159 is amended by insert-
 3 ing after the item relating to section 2669 the following
 4 new item:

“2669a. Conveyance of surplus real property for natural resource conservation
 purposes.”.

5 **SEC. 2804. RELIEF FROM MCKINNEY-VENTO ACT SCREEN-**
 6 **ING REQUIREMENTS.**

7 Section 501 of the McKinney-Vento Homeless Assist-
 8 ance Act (42 U.S.C. 11411) is amended—

9 (1) by redesignating subsection (i) as subsection
 10 (j); and

11 (2) by inserting after subsection (h) the fol-
 12 lowing new subsection (i):

13 “(i) APPLICABILITY TO PROPERTY DURING EMER-
 14 GENCIES.—The provisions of this section shall not apply
 15 to buildings and property that have been requested for
 16 support or are being used for direct support of—

17 “(1) a war or national emergency declared in
 18 accordance with the National Emergencies Act (50
 19 U.S.C. 1601 et seq.); or

20 “(2) an emergency or major disaster declared in
 21 accordance with the Robert T. Stafford Disaster Re-
 22 lief and Emergency Assistance Act (42 U.S.C. 5121
 23 et seq.).”

1 **SEC. 2805. LEASING OF MILITARY FAMILY HOUSING IN**
2 **KOREA.**

3 Section 2828(e)(3) is amended—

4 (1) by striking “800” units and inserting
5 “1,175 units”; and

6 (2) by adding at the end the following new sen-
7 tence: “Additionally, the Secretary of the Army may
8 lease not more than 2,400 units of family housing
9 in Korea subject to a maximum amount of
10 \$35,000.”.

11 **SEC. 2806. PROGRAM ON REDUCTION IN LONG-TERM FACIL-**
12 **ITY MAINTENANCE COSTS.**

13 (a) DEMONSTRATION PROGRAM.—The Secretary of
14 Defense may conduct a demonstration program to assess
15 the feasibility and desirability of including facilities main-
16 tenance requirements in construction contracts for mili-
17 tary construction projects. The purpose of the demonstra-
18 tion program is to determine if such requirements facili-
19 tate reductions in the long-term maintenance costs of the
20 Military Departments.

21 (b) CONTRACTS.—The demonstration program au-
22 thorized in subsection (a) is limited to 12 contracts en-
23 tered into on or after the date of enactment of this Act.

24 (c) EFFECTIVE PERIOD OF MAINTENANCE REQUIRE-
25 MENTS.—A maintenance requirement that is included in

1 a construction contract under the authority of this section
2 shall not exceed five years.

3 (d) EXPIRATION.—The authority under subsection
4 (a) to include maintenance requirements in construction
5 contracts under the demonstration program shall expire
6 on September 30, 2006.

7 (e) FUNDING.—Amounts authorized to be appro-
8 priated for the Secretary of Defense for a fiscal year for
9 military construction shall be available for the demonstra-
10 tion program under this section in such fiscal year.

11 **SEC. 2807. BOUNDARY CHANNEL DRIVE SITE LAND ACQUI-**
12 **SITION, ARLINGTON, VIRGINIA.**

13 (a) ACQUISITION AUTHORIZED.—Using amounts ap-
14 propriated pursuant to the authorization of appropriations
15 in section 2401, the Secretary of Defense may acquire all
16 right, title, and interest to a parcel of real property, in-
17 cluding any improvements thereon, consisting of approxi-
18 mately 7.2 acres known as the Boundary Channel Drive
19 Site in Arlington County, Virginia. The site is located
20 southeast of Interstate 395 at the end of Boundary Chan-
21 nel Drive and was most recently occupied by the Twin
22 Bridges Marriott.

23 (b) DESCRIPTION OF PROPERTY.—The exact acreage
24 and legal description of the real property to be acquired
25 under subsection (a) shall be determined by a survey satis-

1 factory to the Secretary. Upon acquisition, this property
 2 shall be included in the Pentagon Reservation as defined
 3 in section 2674(f) of title 10, United States Code.

4 (c) TERMS AND CONDITIONS.—The Secretary may
 5 require such terms and conditions in connection with the
 6 acquisition under subsection (a) as the Secretary considers
 7 appropriate to protect the interests of the United States.

8 **SEC. 2808. AGREEMENTS WITH PRIVATE ORGANIZATIONS**
 9 **TO ADDRESS ENCROACHMENT AND OTHER**
 10 **CONSTRAINTS ON MILITARY TRAINING, TEST-**
 11 **ING, AND OPERATIONS.**

12 (a) IN GENERAL.—Chapter 159 of title 10, United
 13 States Code, is amended by adding the following new sec-
 14 tion at the end thereof:

15 **“§ 2697. Agreements with private organizations to ad-**
 16 **dress encroachment and other con-**
 17 **straints on military training, testing, and**
 18 **operations**

19 “(a) AGREEMENTS.—The Secretary of a military de-
 20 partment is authorized to enter into agreements with any
 21 private organization that has the conservation, restora-
 22 tion, or preservation of land and natural resources, or a
 23 similar objective, as its stated principal organizational
 24 purpose or goal. The purpose of any agreement under this
 25 section shall be to address the use or development of real

1 property in the vicinity of military installations in order
2 either (1) to limit incompatible development or use of such
3 property, or (2) to preserve habitat so as to eliminate or
4 relieve existing or projected environmental restrictions,
5 that otherwise may have the potential to restrict, impede,
6 or otherwise interfere with, directly or indirectly, current
7 or future military training, testing, or operations. Chapter
8 63 of title 31 shall not apply to agreements entered into
9 under this section.

10 “(b) ACQUISITION AND ACCEPTANCE OF REAL PROP-
11 ERTY.—An agreement under this section—

12 (1) may provide for the private organization to
13 acquire, on a cost-shared basis, all right, title, and
14 interest in real property, or any lesser estate or in-
15 terest; as shall be required to effectuate the pur-
16 poses of this section; and

17 (2) with respect to any real property estate or
18 interest so acquired, shall provide, upon request at
19 any time, for the private organization to transfer to
20 the United States an estate or interest in such real
21 property. Such interest shall be limited to that inter-
22 est necessary to permit the United States to ensure
23 that the property is used and managed in a manner
24 that meets the purposes of this section. The Sec-
25 retary concerned shall determine what estate or in-

1 terest is necessary. Notwithstanding any other provi-
2 sion of law, the military department is authorized to
3 accept such estate or interest in real property on be-
4 half of the United States.

5 “(c) FUNDING.—Funds appropriated for the oper-
6 ations and maintenance of the Department of Defense or
7 of any military department, including funds appropriated
8 to support the Legacy Resources Management Program,
9 may be made available to execute any agreements entered
10 into under this section. For installations or facilities oper-
11 ated primarily with funds appropriated for research, devel-
12 opment, testing, and evaluation, those funds may be used
13 in lieu of funds appropriated for operations and mainte-
14 nance.

15 “(d) ADDITIONAL TERMS AND CONDITIONS.—The
16 Secretary may require such additional terms and condi-
17 tions in the agreements authorized by this section as the
18 Secretary considers appropriate to protect the interests of
19 the United States. Real property may not be acquired
20 under this subsection unless the owner of the property
21 consents to the acquisition. The Secretary may accept ap-
22 praisals or title documents prepared or adopted by a non-
23 Federal entity as satisfying the applicable requirements of
24 section 213 of the Uniform Relocation Act Amendments
25 of 1987 (42 U.S.C. 4651) or the Act of September 1, 1970

1 (84 Stat. 835; 40 U.S.C. 255) where the Secretary finds
 2 the appraisals or title documents substantially comply with
 3 Federal standards.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 at the beginning of such chapter is amended by inserting
 6 after the item relating to section 2696 the following new
 7 item:

“2697. Agreements with Private Organizations Address Encroachment and
 Other Constraints on Military Training, Testing, and Oper-
 ations.”.

8 **SEC. 2809. AUTHORITY TO CONVEY CERTAIN LANDS IN**
 9 **ALASKA NO LONGER NEEDED FOR NATIONAL**
 10 **GUARD PURPOSES.**

11 (a) CONVEYANCE AUTHORIZED.—The Secretary of
 12 the Army may convey to the State of Alaska or to any
 13 governmental entity, Native Corporation, or Indian tribe
 14 within the State of Alaska all right, title, and interest of
 15 the United States in and to any parcel of real property
 16 described in subsection (b), including any improvements
 17 thereon, as the Secretary of the Army determines to be
 18 in the public interest.

19 (b) LANDS SUBJECT TO CONVEYANCE.—Subsection
 20 (a) shall apply to any tract of land in the State of Alaska
 21 that—

22 (1) is under the jurisdiction of the Department
 23 of the Army;

1 (2) prior to December 2, 1980, was under the
2 jurisdiction of the Department of the Army for use
3 of the Alaska National Guard;

4 (3) is located in a unit of the National Wildlife
5 Refuge System designated in the Alaska National
6 Interest Lands Conservation Act (94 Stat. 2371; 16
7 U.S.C. 1301 note);

8 (4) is determined by the Secretary of the Army
9 to be excess to the needs of the Alaska National
10 Guard and the Department of Defense; and

11 (5) is identified for conveyance based on a de-
12 termination by the Secretary of the Army that—

13 (A) the projected cost of retaining the land
14 to the United States Government exceeds the
15 value of the land; or

16 (B) the existing condition of the land
17 makes the land unsuitable for retention.

18 (c) DESCRIPTION OF PROPERTY.—The exact acreage
19 and legal description of any real property to be conveyed
20 under subsection (a) shall be determined by a survey that
21 is satisfactory to the Secretary of the Army.

22 (d) CONSIDERATION.—

23 (1) The Secretary of the Army may make a
24 conveyance authorized by subsection (a) for no con-
25 sideration or for consideration in an amount that the

1 Secretary of the Army determines appropriate under
2 the circumstances.

3 (2) If consideration is received for property con-
4 veyed under subsection (a), the Secretary of the
5 Army may use the amounts received, to the extent
6 provided in appropriations Act, to pay for—

7 (A) the cost of a survey described in sub-
8 section (c);

9 (B) the cost of carrying out any environ-
10 mental assessments, studies, analyses, and re-
11 mediation, that may be required under Federal
12 law or deemed appropriate by the Secretary of
13 the Army in connection with the property being
14 conveyed; and

15 (C) any other costs incurred by the De-
16 partment of the Army in conveying the prop-
17 erty.

18 (e) ADDITIONAL TERMS AND CONDITIONS.—In con-
19 nection with a conveyance under subsection (a), the Sec-
20 retary of the Army may require such additional terms and
21 conditions as the Secretary of the Army considers appro-
22 priate to protect the interests of the United States.

23 (f) DEFINITIONS.—For purposes of this section:

24 (1) The term “Native Corporation” has the
25 same meaning given such term in section 3 of the

1 Alaska Native Claims Settlement Act (85 Stat. 688;
2 43 U.S.C. 1601).

3 (2) The term “Indian tribe” has the same
4 meaning given such term in section 102 of the Fed-
5 erally Recognized Indian Tribe List Act of 1994
6 (108 Stat. 4791; 25 U.S.C. 479a).

7 **Subtitle C—Other Matters**

8 **SEC. 2810. ENVIRONMENTAL RESTORATION PROJECT.**

9 (a) IN GENERAL.—Section 2810 of title 10, United
10 States Code, is amended to read as follows:

11 **“§ 2810. Environmental restoration projects**

12 “(a) ENVIRONMENTAL RESTORATION PROJECTS.—
13 Subject to subsection (c), the Secretary concerned may
14 carry out an environmental restoration project if the Sec-
15 retary concerned determines that the project is necessary
16 to carry out a response action under chapter 160 of this
17 title or under the Comprehensive Environmental Re-
18 sponse, Compensation, and Liability Act of 1980 (42
19 U.S.C. 9601 et seq.).

20 “(b) LIMITATION OF FUND SOURCE.—Funds author-
21 ized for deposit in an account established under subsection
22 (a) of section 2703 of this title shall be the only source
23 of funds to conduct an environmental restoration project
24 under this section.

25 “(c) DEFINITIONS.—In this section—

1 “(1) the term ‘response action’ has the meaning
2 given that term in section 101 of the Comprehensive
3 Environmental Response, Compensation, and Liabil-
4 ity Act of 1980 (42 U.S.C. 9601);

5 “(2) the term ‘environmental restoration
6 project’ includes construction, development, conver-
7 sion, or extension of a structure or installation of
8 equipment in direct support of a response action.
9 When included in an environmental restoration
10 project, such construction, development, conversion,
11 extension, or installation shall not be considered as
12 military construction as that term is defined in sec-
13 tion 2801 of this title.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 169 is amended by amending
16 the item related to section 2810 to read as follows:

“2810. Environmental restoration project.”.

